5. 21. 17.

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Number

PSEVDO-MARTYR.

Wherein

OVT OF CERTAINE Propoſitions and Gradations, This Concluſion is euicted.

THAT THOSE WHICH ARE of the Romane Religion in this Kingdome, may and ought to take the Oath of *Allegeance.*

by John Donne

DEVT. 32. 15.

But he that ſhould haue beene vpright, when he waxed fatte, ſpurned with his heele: Thou art fat, thou art groſſe, thou art laden with fatneſſe.

IOB. 11. 5.

But oh that God would ſpeake and open his lips againſt thee, that he might ſhew thee the ſecrets of wiſedome, how thou haſt deſerued double according to right.

2. CHRO. 28. 22.

In the time of his tribulation, did he yet treſpaſſe more againſt the Lord, for he ſacrificed vnto the gods of Damaſcus, which plagued him.

LONDON

Printed by *W. Stansby* for *Walter Burre.*

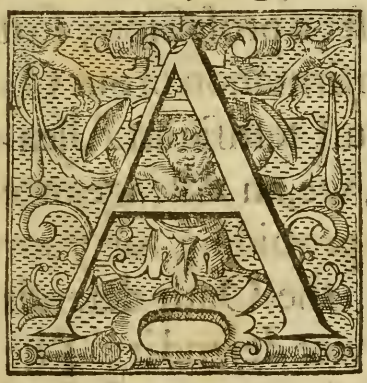
1610.

PSEVDO
MARTYR.

LONDON
Printed by W. Stansby for Walter Burre.
1610.

TO THE HIGH AND Mightie Prince IAMES, by the Grace of God, King of Great Britaine, France and Ireland, defender of the FAITH.

Most mightie and sacred Soueraigne.



AS Temporall armies consist of Press'd men, and voluntaries, so doe they also in this warfare, in which your Maiestie hath appear'd by your Bookes. And not only your strong and full Garisons, which are your Clergie, and your Vniuersities, but also obscure Villages can minister Souldiours. For, the equall interest, which all your

Subiects haue in the cauſe (all being equally endanger'd in your dangers) giues euery one of vs a Title to the Dignitie of this warfare; And ſo makes thoſe, whom the Ciuill Lawes made oppoſite, all one, Paganos, Milites. Beſides, ſince in this Battaile, your Maieſtie, by your Bookes, is gone in Perſon out of the Kingdome, who can bee exempt from waiting vpon you in ſuch an expedition? For this Oath muſt worke vpon vs all; and as it muſt draw from the Papiſts a profeſsion, ſo it muſt from vs, a Confirmation of our Obedience; They muſt teſtifie an Alleageance by the Oath, we, an Alleageance to it. For, ſince in prouiding for your Maieſties ſecuritie, the Oath defends vs, it is reaſon, that wee defend it. The ſtrongeſt Caſtle that is, cannot defend the Inhabitants, if they ſleepe, or neglect the defence of that, which defends them; No more can this Oath, though framed withall aduantagious Chriſtianly wiſe-

dome,

dome, ſecure your Maieſtie, and vs in you, if by our negligence wee ſhould open it, either to the aduerſaries Batteries, or to his vnderminings.

The influence of thoſe your Maieſties Bookes, as the Sunne, which penetrates all corners, hath wrought vppon me, and drawen vp, and exhaled from my poore Meditations, theſe diſcourſes: VVhich, with all reuerence and deuotion, I preſent to your Maieſtie, who in this alſo haue the power and office of the Sunne, that thoſe things which you exhale, you may at your pleaſure diſsipate, and annull; or ſuffer them to fall downe againe, as a wholeſome and fruitfull dew, vpon your Church & Commonwealth. Of my boldneſſe in this addreſſe, I moſt humbly beſeech your Maieſtie, to admit this excuſe, that hauing obſerued, how much your Maieſtie had vouchſafed to deſcend to a conuerſation with your Subiects, by way of your Bookes, I alſo con-

ceiu'd an ambition, of aſcending to your preſence, by the ſame way, and of participating, by this meanes, their happineſſe, of whome, that ſaying of the Queene of *Sheba*, may bee vſurp'd: Happie are thy men, and happie are thoſe thy Seruants, which ſtand before thee alwayes, and heare thy wiſedome. For, in this, I make account, that I haue performed a duetie, by expreſsing in an exterior, and (by your Maieſties permiſsion) a publicke Act, the ſame deſire, which God heares in my daily prayers, That your Maieſtie may very long gouerne vs in your Perſon, and euer, in your Race and Progenie.

Your Maieſties moſt humble and loyall Subiect:

IOHN DONNE.

A TABLE OF THE CHAPTERS handled in this Booke.

CHAP. I.

OF Martyrdome and the dignity thereof.

CHAP. II.

That there may be an inordinate and corrupt affectation of Martyrdome.

CHAP. III.

That the Roman Religion doth by many erroneous doctrines mis-encourage and excite men to this vitious affectation of danger: first by inciting ſecular Magiſtracy: Secondly by extolling the value of Merites, and of this worke in ſpecial, by which the treaſure of the Church is ſo much aduanced: And laſtly, by the doctrin of Purgatory, which by this act is ſaid certainly to be eſcaped.

CHAP. IIII.

That in the Romane Church the Ieſuits exceed all others, in their Conſtitutions and practiſe, in all thoſe points, which beget or cheriſh this corrupt deſire of falſe-Martyrdome.

CHAP. V.

That the Miſſions of the Pope, vnder Obedience whereof they pretend that they come into this Kingdome, can be no warrant, ſince there are laws eſtabliſhed to the contrary, to giue them, or thoſe which harbor them, the comfort of Martyredome.

CHAP. VI.

A Compariſon of the Obedience due to Princes, with the ſeuerall Obediences required and exhibited in the Romane Church: Firſt, of that blinde Obedience and ſtupiditie, which Regular men vow to their Superiours: Secondly, of that vſurped Obedience to which they pretend by reaſon of our Baptiſme, wherin we are ſaid to haue made an implicite ſurrender of our ſelues, and all that we haue, to the church: and thirdly, of that obedience, which the Ieſuits by a fourth Supernumerary vow make to be diſpoſed at the Popes abſolute will.

CHAP. VII.

That if the meere execution of the function of Prieſts in this Kingdome, and of giuing to the Catholiques in this land, ſpiritual ſuſtentation, did aſſure their conſciences, that to dye for that were martyrdome: yet the refuſall of the Oath of Alleageance doth corrupt and vitiate the integrity of the whole act, and diſpoile them of their former intereſt and Title to Martyrdome.

CHAP. VIII.

That there hath beene as yet no fundamental and ſafe ground giuen, vpon which thoſe

those which haue the faculties to heare Confessions, should informe their owne Consciences, or instruct their Penitents: that they are bound to aduenture the heauy and capitall penalties of this law, for refusall of this Oath. And that if any man haue receiued a scruple against this Oath, which he cannot depose and cast off, the Rules of their own Casuists, as this case stands, incline, and warrant them, to the taking therof.

CHAP. IX.

That the authority which is imagined to be in the Pope, as he is spirituall Prince of the monarchy of the Church, cannot lay this Obligation vpon their Consciences: First because the Doctrine it selfe is not certaine, nor presented as matter of faith: Secondly because the way by which it is conueyed to them, is suspitious and dangerous, being but by Cardinall Bellarmine, who is various in himselfe, and reproued by other Catholiques of equall dignity, and estimation.

CHAP. X.

That the Canons can giue them no warrant, to aduenture these dangers, for this refusall: And that the Reuerend name of Canons, is falsly and cautelously insinuated, and stolne vpon the whole body of the Canon law, with a breefe Consideration vpon all the bookes thereof: and a particular suruay, of all those Canons, which are ordinarily cyted by those Authours, which maintaine this temporall Iurisdiction in the Pope.

CHAP. XI.

That the two Breues of Paulus the fift, cannot giue this assurance to this Conscience; First, for the generall infirmities, to which all Rescripts of Popes are obnoxious: And then for certaine insufficiencies in these.

CHAP. XII.

That nothing requir'd in this Oath, violates the Popes spirituall Iurisdiction; And that the clauses of swearing that Doctrine to bee Heretical, is no vsurping vpon his spirituall right, either by preiudicating his future definition, or offending any former Decree.

CHAP. XIII.

That all which his Maiesty requires by this Oath, is exhibited to the Kings of Fraunce, And not by vertue of any Indult, or Concordate, but by the inherent right of the Crowne.

CHAP. XIIII.

Lastly, That no pretence, eyther of Conuersion at first, Assistance in the Conquest, or Acceptation of any Surrender from any of our Kings, can giue the Pope any more right ouer the Kingdome of England, then ouer any other free State whatsoeuer.

AN ADVERTISEMENT TO *the Reader.*

THough I purpoſed not to ſpeake any thing to the Reader, otherwiſe then by way of Epilogue in the end of the Booke, both becauſe I eſteemed that to be the fitteſt place, to giue my Reaſons, why I reſpited the handling of the two laſt Chapters, till another time, and alſo, becauſe I thought not that any man might well and properly be called a Reader, till he were come to the end of the Booke: yet, becauſe both he, and I, may ſuffer ſome diſaduantages, if he ſhould not be fore-poſſeſſed, and warned in ſome things, I haue changed my purpoſe in that point.

For his owne good therefore (in which I am alſo intereſſed) I muſt firſt intreat him, that he will be pleaſed, before hee reade, to amend with his pen, ſome of the moſt important errors, which are hereafter noted to haue paſſed in the printing. Becauſe in the Reading, he will not perchance ſuſpect nor ſpy them, and ſo he may runne a danger, of being either deceiued, or ſcandalized.

And for my ſelfe, (becauſe I haue already receiued ſome light, that ſome of the Romane profeſſion, hauing onely ſeene the Heads and Grounds handled in this Booke, haue traduced me, as an impious and profane vnder-valewer of Martyrdome,) I moſt humbly beſeech him, (till the reading of the Booke, may guide his Reaſon) to beleeue, that I haue a iuſt and Chriſtianly eſtimation, and reuerence, of that deuout and acceptable Sacrifice of our lifes, for the glory of our bleſſed Sauiour. For, as my fortune hath neuer beene ſo flattering nor abundant, as ſhould make this preſent life ſweet and precious to me, as I am a Moral man: ſo, as I am a Chriſtian, I haue beene euer kept awake in a meditation of Martyrdome, by being deriued from ſuch a ſtocke and race, as, I beleeue, no family, (which is not of farre larger extent, and greater branches,) hath endured and ſuffered more in their perſons and fortunes, for obeying the Teachers of Romane Doctrine, then it hath done. I did not therefore enter into this, as a carnall or ouer-indulgent fauourer of this life, but out

of ſuch reaſons, as may ariſe to his knowledge, who ſhall be pleaſed to read the whole worke.

In which, I haue abſtained from handling the two laſt Chapters vpon diuers reaſons; whereof one is, that theſe Heads hauing beene caried about, many moneths, and thereby quarrelled by ſome, and deſired by others, I was willing to giue the Booke a haſty diſpatch, that it might coſt no man much time, either in expecting before it came, or in reading, when it was come.

But a more principall reaſon was, that ſince the two laſt Chapters depend vpon one another, and haue a mutuall Relation, I was not willing to vndertake one, till I might perſeuere through both. And from the laſt chapter it became me to abſtaine, till I might vnderſtand their purpoſes, who were formerly engaged in the ſame buſineſſe. For the firſt Diſcouerie giues ſome title to the place, and ſecludes others, without the Diſcouerers permiſſion; And in men tender and iealous of their Honour, it is ſometimes accounted as much iniurie to aſſiſt, as to aſſault.

When therefore I conſidered, that the moſt Reuerend and learned Sir *Edward Coke*, Lord chiefe Iuſtice of the cõmon Pleas (whom, they which are too narrow to comprehend him, may finde arguments enow to loue, and admire, out of the meaſure and proportion of his malice who hath written againſt him, (ſince wee ought to loue him ſo much, as ſuch men hate him) had in this point of Iuriſdiction, laid ſo ſolid foundations, raiſed ſo ſtrong walls, & perfited his houſe vpon ſo ſure a Rocke, as the lawes of this Kingdome are. And when I ſaw, that as the diuell himſelfe is buſieſt to attempt them, who abound in ſtrength of Grace, (not forbearing our Sauiour himſelfe) ſo an ordinary Inſtrument of his, (whoſe continuall libels, and Incitatorie bookes, haue occaſioned more afflictions, and drawne more of that bloud, which they call Catholique, in this Kingdome, then all our Acts of Parliament haue done,) had oppugned his Lordſhips Booke, and iterated and inconculcated thoſe his oppoſitions, I could not know whether his Lordſhip reſerued any farther conſideration of that matter to his owne leaſures, or had honoured any other man, with his commandement, or allowance to purſue it. Till therefore I might know, whether any ſuch were embarqued therein, as would either accept my Notes, and dignifie them with their ſtile, or ſubmit their Notes to my method, and the poore apparell of my language, or vndertake it entirely, or quit it abſolutely, as a body perfit already, by that forme which his Lordſhip hath giuen it, I choſe to forbeare the handling thereof at this time.

One thing more I was willing the Reader ſhould be forewarned of;

of; which is, that when he findes in the printing of this Booke oftentimes a change of the Character, hee must not thinke that all those words or sentences so distinguished, are cited from other Authors; for I haue done it sometimes, onely to draw his eye, and vnderstanding more intensly vpon that place, and so make deeper impressions thereof.

And in those places which are cited from other Authors (which hee shall know by the Margine) I doe not alwayes precisely and superstitiously binde my selfe to the words of the Authors; which was impossible to me, both because sometimes I collect their sense, and expresse their Arguments or their opinions, and the Resultance of a whole leafe, in two or three lines, and some few times, I cite some of their Catholique Authors, out of their owne fellowes, who had vsed the same fashion of collecting their sense, without precise binding themselues to All, or onely their words. This is the comfort which my conscience hath, and the assurance which I can giue the Reader, that I haue no where made any Author, speake more or lesse, in sense, then hee intended, to that purpose, for which I cite him. If any of their owne fellowes from whom I cite them, haue dealt otherwise, I cannot be wounded but through their sides. So that I hope either mine Innocence, or their own fellowes guiltinesse, shall defend me, from the curious malice of those men, who in this sickly decay, and declining of their cause, can spy out falsifyings in euery citation: as in a iealous, and obnoxious state, a Decipherer can pick out Plots, and Treason, in any familiar letter which is intercepted.

And thus much it seemed necessary to mee, to let the Reader know, to whose charitable and fauourable opinion I commit the booke, and my selfe to his Christianly and deuout Prayers.

Thoſe literall and punctuall Errors, which doe not much endanger the ſenſe, I haue left to the diſcretion and fauour of the Reader, as he ſhall meete with them. The reſt he may be pleaſed to mend thus.

In the Preface, §.24. For Sacerdotes nonentes. Reade Sacerdoturientes.

Pa.	Li.	Faults.	Correct.
3	1	*During.*	*Daring.*
14	14	*Inciting.*	*Auiling.*
15	*vlt.*	*Princeſſe.*	*Prince*
18	14.	*To proceede.*	*So proceedes*
29	*vlt.*	*Churches*	*church.*
30	11	*Stabling.*	*Eſtabliſhing.*
38	28	*Genuit*	*Gemunt.*
41	8	*Veſtram*	*Noſtram*
45	21	*In.*	*To*
Ibid.	26	*Princes.*	*Prince*
47	14	*calles*	*call*
57	2	*Emperours.*	*Emperour.*
58	22	*Profeſsion*	*poſſeſsion*
66	10	*Now here.*	*No where.*
Ibid.	16	*VVrit.*	*VVrits.*
68	7	*VVent.*	*Meant*
Ibid.	18	*Ingenious*	*Ingenuous.*
70	20	*The*	*Then*
71	*vlt.*	*After* And,	*adde* As.
72	9	*Priuatur.*	*priuetur*
73	1	*End*	*Ends*
74	15	*Other*	*Others*
75	3	*Intituled.*	*Inſtituted*
80	*vlt.*	*Exemply*	*Exemplifie.*
100	26	*Ariſeth.*	*Ariſe*
102	4	*After* Ale, *put out*	So.
107	26	*After* which,	*adde* That
Ibid.	*vlt.*	*Heaued.*	*Heard.*
113	25	*Not.*	*Now.*
152	7	*Enlaline.*	*Eulalias*
157	28	*Your.*	*The.*
169	26	*After* As	*put out* At
170	18	*Thereof for*	*Therefore*
172	5	*Conduced*	*Conducted*
175	20	*VVords*	*VVord*
179	8	*Chappels.*	*Chappell*
193	1	*After* Are	*adde* Not
195	9	*Your*	*The*
212	26	*VVaine*	*VVaiue*
218	7	*Extend the Sect. 37.*	*one line into the §.38*
225	19	*Your*	*The*
228	22	*After* Oath	*adde* Bee
229	21	*Belong*	*Belongd*
233	8	*Gaue*	*Giue.*
240	11	*To bey*	*To obey*
244	14	*The*	*This*
265	25	*After* And	*adde* Not
274	8	*Re-enuerſing*	*renuerſing.*
275	8	*That*	*It*
Ibid.	14	*After* But	*add the panegyricke*
276	5	*Heads*	*Beards*
277	6	*Hyol*	*Holy*
278	17	*Fall*	*Fallen*
280	13	*Certaintie*	*(Certainely)*
297	21	*After* Alleadge	*adde* This
304	27	*Name*	*Nature*
305	5	*Receiue*	*Relieue*
313	20	*God*	*The good.*
322	2	*There*	*This*
324	25	*Since*	*Sinne*
378	21	*As*	*Vs*
379	11	*Dominium.*	*Domicilium*

Thoſe Faults which are in the Margin by placing the Citations higher or lower, I muſt leaue to the Readers diſcretion, the reſt he may mend thus.

Preface §.8. Pili reade Poli. Fol.7. lin.28. adde Homil. de Dauid & Saul. *ibid.24. adde* Mar.10.29. *fol.9. lin.7. for Raoulta reade Raccolta. fol.17. lin.27. for Poſſore. reade Poſſeſſor. fol.31. lin.11. for Hu. reade Offi. fol.40. lin.5. adde* 1. Sam.24.15. *fol.309. lin.3. adde De poteſt. Eccleſ. §.6. Nu.2.*

A PREFACE TO
The PRIESTES, and IESVITS,
and to their Disciples in this KINGDOME.

Am so well acquainted with the phrases of Diminution and Disparagement, and other personall aspersions, which your writers cast, and imprint vpon such of your owne side, as depart from their opinions in the least dramme or scruple; as I cannot hope that any of them will spare me, who am further remoued from them: For since Cassander, *whom the two Emperours* Ferdinand *and* Maximilian *consulted, and called to them; not in any schisme betweene the Emperours and Popes, about temporall Iurisdiction: in which quarrell, whensoeuer it happened, the Emperours cause was euer sustained by as learned, and as Religious, and as many men, as the Popes, but in matters of*

diuiſion amongſt you, in this point of the Popes pretence to temporall iuriſdiction: I haue no other ſhelter againſt theſe imputations, but an appeale to our bleſſed Sauiour, and a proteſtation before his face, that my principall and direct ſcope and purpoſe herein, is the vnity and peace of his Church. For as when the roofe of the Temple rent aſunder, not long after followed the ruine of the foundation it ſelfe: So if theſe two principall beames and Toppe-rafters, the Prince and the Prieſt, rent aſunder, the whole frame and Foundation of Chriſtian Religion will be ſhaked. And if we diſtinguiſh not between Articles of faith & iuriſdiction, but account all thoſe ſuper-edifications and furnitures, and ornaments which God hath affoorded to his Church, for exteriour gouernment, to be equally the Foundation it ſelfe, there can bee no Church; as there could be no body of a man, if it were all eye.

4 *They who haue deſcended ſo lowe, as to take knowledge of me, and to admit me into their conſideration, know well that I vſed no inordinate haſt, nor precipitation in binding my conſcience to any locall Religion. I had a longer worke to doe then many other men; for I was firſt to blot out, certaine impreſſions of the Romane religion, and to wraſtle both againſt the examples and againſt the reaſons, by which ſome hold was taken; and ſome anticipations early layde vpon my conſcience, both by Perſons who by nature had a power and ſuperiority ouer my will, and others who by their learning and good life, ſeem'd to me iuſtly to claime an intereſt for the guiding, and rectifying of mine vnderſtanding in theſe matters.*

matters. And although I apprehended well enough, that this irresolution not onely retarded my fortune, but also bred some scandall, and endangered my spirituall reputation, by laying me open to many misinterpretations; yet all these respects did not transport me to any violent and sudden determination, till I had, to the measure of my poore wit and iudgement, surueyed and digested the whole body of Diuinity, controuerted betweene ours and the Romane Church. In which search and disquisition, that God, which awakened me then, and hath neuer forsaken me in that industry, as he is the Authour of that purpose, so is he a witnes of this protestation; that I behaued my selfe, and proceeded therin with humility, and diffidence in my selfe; and by that, which by his grace, I tooke to be the ordinary meanes, which is frequent praier, and equall and indifferent affections.

5. *And this course held in rectifying and reducing mine vnderstanding and iudgment, might iustifie & excuse my forwardnes, if I shold seeme to any to haue intruded and vsurped the office of others, in writing of Diuinity and spirituall points, hauing no ordinary calling to that function. For, to haue alwaies abstained from this declaration of my selfe, had beene to betray, and to abandon, and prostitute my good name to their misconceiuings and imputations; who thinke presently, that hee hath no Religion, which dares not call his Religion by some newer name then* Christian. *And then, for my writing in Diuinity, though no professed Diuine; all Ages, all Nations, all Religions, euen yours, which is the most couetous and lothest to diuide, or communicate with*

the Layety, any of the honours reserued to the Clergie, affoord me abundantly examples, and authorities for such an vndertaking.

6 *But for this poore worke of mine, I need no such* Aduocates, *nor* Apologizers; *for it is not of Diuinity, but meerely of temporall matters, that I write. And you may as iustly accuse* Vitruuius, *who writ of the fashion of building Churches, or those Authors which haue written of the nature of Bees and vse of Waxe, or of Painting, or of Musique, to haue vsurped vpon the office of Diuines, and to haue written of Diuinity, because all these are ingredients into your propitiatory medicine, the Masse, and conduce to spirituall and diuine worship: as you may impute to any, which writes of ciuil obedience to the Prince, that he meddles with Diuinity: not that this obedience is not safely grounded in Diuinity, or that it is not an act of Religion, but that it is so well engrau'd in our hearts, and naturally obuious to euery vnderstanding, that men of all conditions haue a sense and apprehension, and assurednes of that obligation.*

7 *The cause therefore is reduced to a narrow issue, and contracted to a strict point, when the differences betweene vs are brought to this; Whether a Subiect may not obey his Prince, if the Turk or any other man forbid it? And as his Maestie in his Kingdomes, is Religiously and prudently watchfull, to preserue that Crowne, which his Predecessors had redeemed from the rust, and drosse, wherewith forraine vsurpation had infected it; so is it easie to be obserued, that all the other Princes of Christendome, beginne to shake off those fetters, which insensibly*

insensibly and drowsily they had admitted; and labour by all waies, which are as yet possible to them, to returne to their naturall Supremacy and Iurisdiction: which besides many other pregnant euidences, appeares by Baronius *his often complayning thereof; both in his Annals, when he sayes,* That the Princes of this age do exercise so much Iurisdiction ouer the Clergie, that the Church suffers some scandall thereby: *And in his Apologie of his owne writings, against the Cardinall* Columna, *where he notes,* That the Cardinals deputed for the hearing of those causes at Rome, are tired and oppressed in these later times, with the Messengers and Appeales of Bishoppes, which in euery Countrey complaine, how much the secular Princes iniure them. *And this must of necessity be vnderstood of Countries, which professe the Romane Religion, because such as are Apostoliquely reformed, or are in that way, haue shut vp all waies of Appellations to Rome, or remedies from thence.*

To. 11.

Resp. Apolog. cont. Car. Col. Nu. 31.

8 *And not to speake of the Kingdome of France at this time, because I haue sepos'd and destin'd a particular Chapter for that consideration, nor of the fresh Historie of the Venetians, maintaining their iust Lawes for this temporall Iurisdiction: which lawes* Parsons, *without any colour of truth, or escape from malitious and grosse deceiuing, saies they haue recalled, when as (not to affright you with any of those Authours which write on the Venetian part,) you may see an excellent relation of that negotiation, and vpon what conditions the Pope withdrew his censures, in that letter of Cardinal* Peron *to*

P. R. Treat. of Mitig. c. 5. n. 41.

In monit. pili. in fine.

to his Maſter the French King, about Cardinal Ioyeuſe *his inſtructions, when the Pope ſent him to Venice for that purpoſe; nor to looke ſo farre backe, as to conſider what the other States of Italy and of Rome it ſelfe haue done herein, which, as an Author which liued in profeſſion of that Religion, informes vs; durſt alwaies braueely and boldly defend it ſelfe againſt the Popes vſurpations, though he proteſted, that if they would but admit him to enter againe into the towne, hee would deale no more with temporall matters; and this, at that time when England vnder* Henry *the ſecond, and the remoter parts trembled at him, who trembled at his owne neighbours and Subiects, as he pretended: To omit all theſe, the Kingdome of Spaine, which they call ſo ſuper-eminently Catholicke; and of whoſe King, the Cardinall which writes againſt* Baronius *ſaies,* that he is the only Prince, who bends all the ſinewes of his power, and all the thoughts of his minde, not only to oppreſſe barbarous enemies of Chriſtianity, but to containe chriſtian Kings in their duetie: *This Kingdome (I ſay) hath by all meanes, which it can, expreſſed how weary it is of that iuriſdiction which the Pope exerciſeth there, in theſe points which we complaine of: though the Popes haue euer beene moſt readie to recompence theſe temporall detriments to thoſe kings; as the Donations of the Indyes, and of the Kingdome of Nauarre, and of England, teſtifie at full.*

Machiauel. Hiſt. Flor. l. 1. f. 34. Edit. Picen. An. 1587.

Card. Colum. paris. fo. 158.

9 *And yet if we conſider, what all ſorts of perſons in that Nation haue done againſt this temporall power, wee cannot doubt, but that they trauaile of the ſame*

childe

childe, which our Kingdome and diuers others haue brought forth, which is their libertie from this weakning and imponeriſhing thraldome. For firſt, for Booke-men and Writers, a great Idolatrer of this temporall Iuriſdiction in the Pope, Confeſſes, That many of the principall Authours of the Spaniſh nation, concurre in this opinion, that theſe exemptions and immunities of the Clergie, *ſo much debated, are not* Iuris diuini. *And it is eaſie to obſerue, what the Collection and reſultanſe vpon this concluſion will be; Since, if they bee enioyd by the fauour of Princes, though a conueniencie, and a kind of right grounded in the law of nature, haue moued Princes to graunt them: yet all graunts of Princes are mortall, and haue a naturall frailtie in them, and vpon iuſt cauſe are ſubiect to Reuocation.*

Riſpoſt. d' Anto. Bouio a P. Paulonella Rauolta. f. 196.

10 *And for the Sword-men, by that hoſtile Act vpon Rome it-ſelfe, by* Charles Bourbon, *which was done at leaſt by the conniuencie of* Charles *the fift; and by that preparation made againſt the ſame place, by the expreſſe commaundement of* Philip *the ſecond, vnder the Duke of Aluaes conduct, and by many other aſſociations and Leagues againſt the Pope: It appeares how iealous and watchfull, they are vpon this Temporall iuriſdiction, and how they oppoſe themſelues againſt any farther groweth thereof. For when in the differences about the Kingdome of Portugall, the Pope made offers to* Philip *the ſecond, to interpoſe himſelfe for the ſetling of all pretences to that Crowne, the King, though with ſweete and dilatorie anſwers, refuſd that offer, be-*

Conestaggio. l.3.fol.82.

cause (saves the Author of that Storie) he would not by this example, acknowledge him to be the Judge of Kingdomes. And after this, when the King had proceeded farther therein, and Antonie *was proclaimed, and that a Legate came into Spaine, and offred there, in the name of the Pope, to be a Iudge betweene all pretenders, though* Philip *did not doubt the Legates inclination to his part, because he came into his Countrey to make the offer, and though he had more vse of such a seruice then, then before, yet he abstaind from vsing him therein, because hee thought that the Pope, vnder colour of doing the Office of a common father, went about to make himselfe absolute Iudge of Kingdomes; and besides the extraordinarie Authority, which he endeuoured to draw to his Sea, would oblige the Kings of Spaine to his house, as ỹ same Author expresses that Kings iealousies.*

Idem.l.6.f.155

11 *And for the politique gouernement of that State euen in that Kingdome, which they pretend to hold of the Church, which is* Sicily, *they exercise a stronger Iurisdiction, and more derogatorie to the Pope, then this which our King claimes. And though* Parsons, *who is no longer a subiect, and Sonne of the Church of Rome, then as that Church is an enemy to England (for in the differences betweene her and Spaine, he abandons her) auerre in one place, that this iurisdiction is by Indult, & Dispensation from the Pope, yet a more credible man then he, and a natiue Subiect to the King of Spaine, hath vtterly annuld and destroyed that opinion, that any graunt or permission of the Popes, hath enabled the Kings of Spaine to that Authoritie, which they exer-*

Answere to the Reports.c.5.

Baron. Annal. To.11.

cise

cise there. And he hath not onely told his brother Cardinall Columna, *that the matter it-selfe,* Is a point of the Catholicke faith, *but in his Epistle to King* Philip *the third, hee extols and magnifies that Booke, in which he had deliuered that Doctrine, so authentically, as if he meant to draw it into the Canon of the Scriptures: for do these words import any lesse?* The Booke issued frō the very Chaire of S. *Peter,* by the commandement of S. *Peter,* and is confirmed by S. *Peter,* and shal without doubt endure for euer. *And he addes this Commination, speaking to the King,* Let them which resist these writings take heede, least they stumble, *In banc Petram,* and least they bee vtterly trode in pieces, Ab ipsa, ab alto ruente Petra. *But of* Baronius *his detestation of Monarchie, and ill behauiour towards all Kings, as well as his owne Soueraigne, I haue another occasion to speake. All which I purpose to euict here, was, that if* Parsons *haue spoken so heretically in saying, that this is done by vertue of the Popes Indult; that remaines true, which I said before, that that Kingdome of Spaine, endeuours by all wayes it can, to redeeme it-selfe from these vsurpations, and re-inuest it-selfe in her originall Supremacie.*

Epist. Apolog. nu. 21.

Epist. ad Philip. 3.

12 *For as in one of the Greeke States when* Nycippus *sheepe brought forth a Lyon, it was iustly concluded that, that portended a Tyrannie, and change of the State, from a peaceable to a bloody Gouernement: so since the Spirituall principalitie hath produced a Temporall, since this mild and Apostolique sheepe hath brought forth this Lyon, which seekes whom hee may*

Ælian. l. 1. c. 29.

ſecret malignity, and out of the whole ſubſtance. For as no Artiſt can finde out, how this malignant ſtrength growes in that poyſon, nor how it workes, So can none of your Writers tell, how this temporall Iuriſdiction got into the Pope, or how he executes it, but are anguiſhed and tortured, when they come to talke of it, as Phyſitians and Naturaliſts are, when they ſpeake of theſe ſpecifique poyſons, or of the cauſe and origen thereof, which is, Antipathie.

Foreſtus de venenis. Obſeru. 1. Schol.

16 *And yet we finde it reported of one woman, that ſhe had ſo long accuſtomed her body to theſe poyſons, by making them her ordinary foode, that ſhee had brought her ſelfe, and her whole complexion and conſtitution, to be of the ſame power as the poyſon was, and yet retaind ſo much beauty, as ſhee allurd Kings to her embracement, and kild and poiſond them by that meanes: So hath the Romane faith beene for many yeares, ſo fedde and pampred with this venemous doctrine of temporall iuriſdiction, that it is growne to ſome few of them to bee matter of faith it ſelfe; and ſhee is able to drawe and hold ſome Princes to her loue, becauſe for all this infection, ſhe retaines ſome colour and probability of being the ſame ſhee*

Lib. 1. c. 1.

was. And as that Fiſh which Ælianus *ſpeakes of, lies neere to the rocke, and becauſe it is of the colour of the rocke, ſurpriſes many fiſhes which come to refreſh themſelues at the rocke: ſo doth the Romane doctrine, becauſe it can pretend by a locall and perſonall ſucceſſion (though both interrupted) that it is ſo much of the colour of the rocke, and ſo neare it, as* Petrus *and* Petra, *enuegle and*

entrappe

entrappe many credulous persons, who haue a zealous desire to build vpon the rocke it selfe.

17 *It is an Aphorisme of an auncient Physitian,* that we must not purge raw humours, but such as are matur'd and concocted, except they be stirred and moued with their owne violence. *Such a patience and moderation this State vsed towards professors of your Religion; and onely prouiding some better lawes, to haue them in a readinesse in occasions of much necessity; the rest of the Statutes were onely medicinall and preparatory, to lead them to Church sometimes, and so to mollifie their obduratenes, by making diuine seruice their physicke, since they would not admit it for their ordinary dyet; and so in time to draine them, and deliuer them from those inundations of errours, which the Sea of Rome had degorged vpon them. And though it might seeme vnseasonable, by any sharper meanes to haue wrastled or contended with them at beginning, because euerie sudden remoue, euen into a better ayre, is vnwholsome, and the worse, the purer the aire is; yet now it is time to worke vpon you, being of better experience, since you may haue obserued the birth and prosperous growth of this Reformation; and seene, that though diseases affect and corrupt suddenly and violently, and the cures thereof are orderly and long in accomplishing; yet this Reformation spent lesse time then the corruption, and the Church hath recouered more health in one age, then she had lost in anie two: In so firme and constant a state of health, did the Apostles and their followers, especially the first Bishoppes of*

Hippocrates. l. 1. Apho. 22.

is, who vpon two and fortie vaine and imaginary reasons, hath grounded a prophecy of the imminent ruine of this Religion; and how hasty that abortion, and precipitation was in the French-man, who hath written the history of the actuall ruine of this profession, whilst it is yet in her growing estate, and by the mercy of our Sauiour, euery day more and more aduanced.

Florimond. Remond Histoire del. Heresie.

19 *And if you will suffer these things to enter your vnderstanding and iudgement, I cannot doubt of your will to conforme your selues: For it is truely said,* Nothing is so contrarie to the will and consent, as Errour: *And whatsoeuer appeares true to the Iudgment, seemes good to our will, and begets a desire to doe it. But if you shut vp that dore, and so expose your selues, that men may possesse your Will, without entring by your Iudgement, they enter like Theeues at the window, and in the night. For, though the will bee as a window, somewhat capable of light, yet your selues benight your whole house, by drawing these Curtaines vpon your iudgement. And in all afflictions drawne vpon your selues by this will or wilfulnes, when you shal say to God, as his people did by* Esay, Wherefore haue we fasted, and thou seest it not? we haue punished our selues, and thou regard'st it not: *God will answere, as he did then;* Beholde, in the day of your fasts you seeke your will: *That is, you pursue your owne stubborne determinations, and haue humane and corrupt respects in all your tribulations.*

Dig. l. 2. Tit. 1. l. Si per errorē.

Esay 58. 3.

Ælian. l. 2. c. 37.

20 *There was a law amongst some Græcians, that if a sicke man drunke wine without aduise of his Physitian,*

tian; though that saued his life, he should be put to death, for doing it before he was commaunded. O what bitter punishment must then attend your presumption, who in stead of their wine, take Gall and poyson, and in stead of their recouery, endanger your selues to a double perishing; and are so farre from hauing any direct commandement for it, that you haue expresse and iust inhibitions against it? O what spirituall Calenture *possesses you, to make this hard shift to destroy your selues? If you be fishers of men, why dooth hee which sends you, first raise stormes and tempests of Treason, and scandall; and expose you to a certaine shipwracke? It is a note which one of your famous Preachers hath giuen;* That fish will not be taken with a bloody Nette; *and yet your Fishermen are sent with no other nets, then such as must be stained with our blood, if they can get it, or if they misse it, with yours and their owne.*

Bosquier. conc. Quadrag.

21 *They are content to teach in other places,* That the Pope cannot binde a man to impossible things; *and to extend the worde* Impossible *to any thing, which cannot iustly, honestly, or conueniently bee done; they are content to teach,* That the Pope cannot command somethings, though they be naturally good and meritorious, as to iterate a Confession after it is once made: *Onely to you they are so rigid and sowre, that a* Breue *which you are not sure was sent, and you are sure that it ought not to haue beene sent, must binde you to an obedience in these Capitall dangers; and like* Pythagoras *schollers, you must suffer your selues to*

Dist. 61. Catinensis.

Nauar. Manual c. 23 n 38

Diog. Laertius l. 8.

be ſlaine, rather then ſtirre your foote, and tread downe a Beane.

22 *And what is your recompence? You ſhall bee* Martyrs; *and yet* Baronius *himſelfe, who is liberall enough of Martyrdome, ſpeakes of your caſe ſomewhat inconſtantly and irreſolutely, when he ſayes of Engliſh and French Martyrs,* Scimus eos eſſe in Cælo, vt par eſt credere, *We know they are in heauen, as it is fit for vs to beleeue. But as he which died of the bite of a Weaſell, lamented becauſe it was not a Lyon: So conſider, it is not the Catholicke faith, which you ſmart for, but an vniuſt vſurpation, and that it is not the* Lyon of Iuda, *for whoſe ſeruice and honour your liues were well giuen, but it is for a Weaſell, which crept in at a litle hole, and ſince is growne ſo full and pamperd, that men will rather die, then beleeue that he got in at ſo litle an entrance.*

Martyrolog. c. 8

Ælian. l. 14. c. 4

23 *How hungerie of poyſon, how Ambitious of ruine, how peruious and penetrable to all meanes of deſtruction are you, vpon whom your* Ieſuits *and other* Confeſſors, *haue not onely the force of thoſe men, who are ſaid to haue beene able to kill men by looking vpon them in anger, but of thoſe alſo, which can bewitch by faire words, and can prayſe a man to death? For as the angrie eye of the firſt ſort ſlew ſome: So doe the comminations and terrors of theſe* Breues, *thruſt ſome of you into theſe dangers. And as, if the men of the ſecond ſort (whereof there were whole families in* Afrique) *did but commend Trees, Corne, Cattell, or Children, they proſperd no farther, but periſh'd preſently: So, after*

Gellius l. 9. c. 4.

ter these men, with whose families Europe *abounds, doe but tell you, that you are borne of Catholicke parents, That onely you are in the* Arke, *That you are in possession of good estates, fit sacrifices for the Catholicke Church, That you are remarkeable and exemplar men, by whom your Tenants, and Seruants, and Children are led and guided; That you are chosen by God for pillars to sustaine his materiall Church, as Priests are for the spirituall: That you are Martyrs apparant, and attended and staid for in the triumphant Church: you prosper no more, but wither in a Consumption, and hauing headlongly dissipated and scattered your estates, you runne desperately into the danger of the Law, or sustaine a wretched life by the poore Crummes of others pensions.*

24 *And that vicious affectation of* Priesthood, *or of* Regular Religion, *which one of your Preachers notes out of* Casianus. *to possesse many men, whome therupon he cals* Sacerdotes nonentes, *hath bewitched you with a stronger charme. And as that drawes them from their Office of societie, by a ciuill and Allegoricall Death, in departing from the world into a Cloyster, so this throwes you into a naturall, or vnnaturall and violent Death, by denying due Obedience, and by entring into Rebellious actions.* Many men, *sayes that Preacher,* are caried to this desire by humane respects, and by the spirit, either of their blood and Parents when they doe it to please them, or by the spirit of giddinesse and leuitie, or by the spirit of libertie, to be deliuered from the bondage and encom-

Bosquier. Monom. Conc. 4.

Ibid.

brances of wife and children, or elſe violently, by aduerſitie and want. *And theſe diſeaſes, which hee obſerued in them, I know you cannot chuſe but find in your ſelues, and in a more dangerous, and deadly meaſure and proportion.*

25 *And if there bee not too much ſhame and horror in ſuch a Meditation, but that you dare to looke backe vpon all the paſſages betweene your Church and ours, in the time of the late* Queene, *and his* Maieſtie *who now gouernes, you ſhall ſee, that the Rocke was here, and all the ſtormes and tempeſts proceeded from you, when from you came the thunders and lightnings of Excommunications. But as in thoſe times, when diuinations and coniectures were made vpon the fall of lightnings, thoſe lightnings which fel in the Sea, or tops of Mountaines, were neuer brought into obſeruation, but were cald* Bruta fulmina: *ſo how vaine his Excommunications againſt* Iſlanders, *and dwellers in the Sea, haue proued, we and Venice haue giuen good teſtimonie, as many other great Princes haue done, by deſpiſing his* Bruta fulmina, *when they haue beene caſt vpon ſo great and eminent Mountaines, as their* Supremacie *is.*

Plini. l. 2. c. 43.

26 *From you alſo haue come the ſubtill whiſperings of Rebellious doctrines, the frequent and perſonall Trayterous practiſes, the inteſtine Commotions, and the publique and foraine Hoſtile attempts, in which, as we can attribute our deliuerance to none but God, ſo we can impute the malignitie thereof originally, to none but the deuill. Whoſe inſtruments the Ieſuites (as we in our iuſt*

iuſt warres haue giuen ouer long bowes for Artillerie) *being men of rounder diſpatch, then the Church had before, impatient of the long Circuit and Litigiouſnes of excommunications, haue attempted a readier waie: and as the inuention of Gun-powder is attributed to a contemplatiue Monke; ſo theſe practique Monkes thought it belonged to them, to put it into vſe and execution, to the deſtruction of a State and a Church; through which nimbleneſſe and dangerous actiuitie, they haue corrupted the two noble Inuentions of theſe later ages,* Printing *and* Artillery *by filling the world with their Libels, and Maſſacres.*

27 *It becomes not me to ſay, that the Romane Religion begets Treaſon; but I may ſay, that within one generation it degenerates into it: for if the temporall iuriſdiction (which is the immediate parent of Treaſon) be the childe of the Romane faith, and begot by it, treaſon is the Grand-childe. But as* Eraſmus *ſaid of that Church in his time,* Syllogiſmi nunc ſuſtinent Eccleſiam, *wee may iuſtlie ſay, that this Doctrine of temporall Iuriſdiction, is ſuſtained but by Syllogiſmes, and thoſe weake, and impotent, and deceiueable. And as it cannot appeare out of all the Authors, which ſpeake of Saint* Peters *remaining at Rome, whether his body be there, or onely his aſhes: So can it not be cleare to you, that the body of Chriſtian Religion is there, ſince it is oppreſſed with ſuch heapes of aſhes, and dead Doctrine, as this of temporall Iuriſdiction; ſo that diuers other Churches, which perchance were kindled at that, may burne more clearely and feruently, then*

Annotat. in Hilarium.

then that from which they were deriued.

28 *But my purpose is not to exasperate, and aggrieue you, by traducing or drawing into suspition the bodie of your Religion, otherwise then as it conduces to this vicious and inordinate affectation of danger: Yet your charitie may giue me leaue to note, that as* Physitians, *when to iudge of a disease, they must obserue* Decubitum, *that is, the time of the Patients lying downe, and yeelding himselfe to his bedde; because that is not alike in all sicke men, but that some walke longer before they yeelde, then others doe; therefore they remooue that marke, and reckon* ab Actionibus læsis: *that is, when their appetite, and digestion, and other faculties fail'd in doing their functions and offices: so, if we will iudge of the diseases of the Romane Church, though because they crept in insensiblie, and the good state of health, which her prouident Nources indued her withall, made her hold out long; we cannot well pitch a certaine time of her lying downe and sickning, yet we may wel discern* Actiones læsas, *by her practise, and by her disusing her stomach from spirituall foode, and surfetting vpon this temporall Iurisdiction: For then she appeared to be lame and impotent, when she tooke this staffe and crouch to sustaine her selfe, hauing lost the abilitie of those two legges, whereon shee should stand, The* Word *and* Censures.

29 *And if the suspicious and quarrelsome title and claime to this temporall Iurisdiction; If Gods often and strange protection of this Kingdome against it, by which he hath almost made Miracles ordinarie and familiar;*

liar, If your owne iuſt and due preſeruation, worke nothing vpon you, yet haue ſome pitie and compaſſion towards your Countrey, whoſe reputation is defaced and ſcandalized by this occaſion, when one of your owne Authors, being anguiſhed and perplexed, how to anſwere theſe often Rebellions and Treaſons, to put it off from that Religion, layes it vpon the nature of an Engliſhman, whom, in all profeſſions he accuſes to be naturally diſloyall and trecherous to his Prince.

Examen. Edicti. Anglica. Staniſlaus Chriſtianonicus. Paris. 1607

30 And haue ſome pitie and compaſſion (though you neglect your particulars) vpon that cauſe, which you call the Catholicke cauſe: Since, as we ſay of Agues, that no man dies by an Ague, nor without an Ague: So at Executions for Treaſons, we may iuſtly ſay, No man dies for the Romane Religion, nor without it. Such a naturall conſequence, or at leaſt vnluckie concomitance they haue together, that ſo many examples will at laſt build vp a Rule, which a few exceptions, and inſtances to the contrarie will not deſtroy.

31 I call to witneſſe againſt you, thoſe whoſe teſtimonie God himſelfe hath accepted. Speake then and teſtifie, O you glorious and triumphant Army of Martyrs, who enioy now a permanent triumph in heauen, which knew the voice of your Shepheard, and ſtaid till he cald, and went then with all alacritie: Is there any man receiued into your bleſſed Legion, by title of ſuch a Death, as ſedition, ſcandall, or any humane reſpect occaſioned? O no, for they which are in poſſeſſion of that Laurell, are ſuch as haue waſhed their garments, not in their owne blood onely (for ſo they might ſtill remaine

Reuel.7.15. *redde and ſtaind) but in the* blood of the Lambe which changes them to white. Saint Chriſoſtome *writes well, that the* Sinner *in the* Goſpel bath'd and waſh'd her ſelfe in her teares, not in her blood: *And of Saint* Peter, *hee askes this queſtion;* When he had denied Chriſt, Numquid ſanguinem fudit? *No, ſayes he*, but hee powrd foorth teares, and waſhed away his tranſgreſsion.

Homil.2.in Pſal.50.

32 *That which Chriſtian Religion hath added to old Philoſophie, which was,* To doe no wrong, *is in this point, no more but this,* To keepe our mind in an habituall preparation of ſuffering wrong: *but not to vrge and prouoke, and importune affliction ſo much, as to make thoſe puniſhments iuſt, which otherwiſe had beene wrongfully inflicted vpon vs. Wee are not ſent into this world, to* Suffer, *but to* Doe, *and to performe the Offices of ſocietie, required by our ſeuerall callings. The way to triumph in ſecular Armies, was not to be ſlaine in the Battell, but to haue kept the ſtation, and done all Militarie dueties. And as it was in the Romane Armies, ſo it ought to be taught in the Romane Church,* Ius legionis facile: Non ſequi, non fugere. *For we muſt neither purſue perſecution ſo forwardly, that our naturall preſeruation be neglected, nor runne away from it ſo farre, that Gods cauſe be ſcandaliz'd, and his Honour diminiſhed.*

Vegetius.l.2. c.17.

33 *Thus much I was willing to premit, to awaken you, if it pleaſe you to heare it, to a iuſt loue of your owne ſafetie, of the peace of your Countrey, of the honour and reputation of your Countreymen, and of the integritie*

of

of that, which you call the Catholicke cauſe; and to acquaint you ſo farre, with my diſpoſition and temper, as that you neede not be afraid to reade my poore writings, who ioyne you with mine owne Soule in my Prayers, that your Obedience here, may prepare your admiſſion into the heauenly Hieruſalem, *and that by the ſame Obedience,* Your dayes may bee long in the land, which the Lord your God hath giuen you. Exod.20.

Amen.

with himselfe; till he who deliuered this Iewell, resume it againe: So, till it please the Lord, and owner of our life to take home into his treasurie, this rich *Carbuncle* our soule, which giues vs light in our night of ignorance, and our darke body of earth, we are still anguished and trauelled, as well with a continuall defensiue warre, to preserue our life from sickenesses, and other offensiue violences; as with a diuers and contrary couetousnes, sometimes to enlarge our State and terme therein, somtimes to make it so much our owne, that we may vnthriftily spend it vpon surfets, or licentiousnes, or reputation.

2 From thence proceeded that corrupt prodigality of their liues, with examples whereof all Histories abound; honour, ease, deuotion, shame, want, paine, any thing serued for a reason, not only to forsake themselues, or to expose themselues to vn-euitable dangers, but also to be their owne executioners: yea we read of the women of a certaine town, that in a wantonnes had brought it vp for a fashion, to kill themselues. *Gellius l. 15. c. 10*

3 Which corruption, and Ambition of beeing Lord of our selues, euery sort of men, which contributed their helpes to the preseruation and tranquility of States, laboured against: as first the Philosopher, who obseruing that honour and ease did principally draw men into this inclination, because they were desirous to get a name of

daring,

during, and of greatnes, and to escape the miseries which euery day in this life presents, and heapes vpon vs; did therefore teach, *That nothing was more base and cowardly, then to kill ones selfe*, so to correct that opinion of getting honour by that Act: and to ouerthrow the other opinion of ease, they taught *Death to be the most miserable thing which could fall vpon vs:*

Aristot. Eth. l. 3. cap. 7

Idem l. 3 c. 6. Matalius Metellus, prefat. in Histor. Osorij.

4 And when the Spaniard in the Indies found a generall inclination, and practise in the inhabitants to kill themselues, to auoide slauerie; they had no way to reduce them, but by some dissemblings and outward counterfeitings, to make them beleeue, that they also killed themselues, and so went with them into the next world, and afflicted them more then, then they did in this.

5 The Emperors also by their lawes and ciuil Constitutions, haue opposed remedies against this ordinary disease, by inflicting forfaitures and infamous mulctes vpon them which shold do it. And the Church hath resisted it by her Canons, which denie them Christian buriall, and refuse their oblations at the Altars. And with what seuere lawes, other particular States haue laboured against it, appeares by the law of our nation, which esteemes it not only Man-slaughter but Murder. And by that law in the Earledome of Flanders, which reckons it amongst the heinous names of Treason, Heresie, and Sedition.

Dig. l. 48. Tit. 9. le 38. & Dig. l. 49. tit. 10. le 6

Concil. Antiss. ca. 17. Conc. Bracar. 23. q. 5. placuit.

Tholos. Synt. l. 36. c. 22. nu. 13.

6 And

6 And yet it was obserued, that this corruption was so inhærent and rooted, and had so ouergrowne our nature, or that corruption which depraues it, that neither those imperiall lawes, nor that forme of a State which *Plato* Ideated, nor that which Sir *Tho. Moore* did imagine and delineate, thought it possible vtterly to extirpate and roote out this disposition, but onely to stoppe and retard the generall precipitation therein: And therefore in their lawes they haue flattered our corruption so much, as to appoint certaine cases and reasons, and circumstances, in which it might be lawfull to kill ones selfe.

De leg. 9.

Vtop. l. 2. ca. de Seruis.

7 And Almightie God himselfe, who disposes all things sweetely, hath beene so indulgent to our nature, and the frailty thereof, that he hath affoorded vs a meanes, how wee may giue away our life, and make him, in a pious interpretation, beholden to vs for it; which is by deliuering our selues to Martyredome, for the testimony of his name, and aduancing his glorie: for in this we restore him his Talent with profite; our owne soule, with as many more, as our example workes vpon, and winnes to him. To denie him this, is not onely to steale from him, that which is his, by many deare titles; as Creating, Redeeming, and Preseruing; but at such a time, as his honour hath vse of such a seruice at our handes, then to withdraw our testimony from him, is as much a betray-

betraying and crucifying of him againe, as it was in them, who by their falſe witneſſe, occaſioned his death before.

8 Saint *Iohn* ſaith, that the Baptiſt was not that light, but (as though that were the next dignity) hee came to beare witneſſe of that light. And when our bleſſed Sauiour refuſed to beare witneſſe of himſelfe; thoſe, whom he reckons as his witneſſes, are all of ſo high dignity, as no ambition can be higher, then to be admitted amongſt thoſe witneſſes of Chriſt; for they are thus laide downe: Firſt the *Baptiſt*, then his *Miracles*, then his *Father*, and then the *Scriptures*. Io.1.7 Io.5.31.

9 How ſoone God beganne to call vpon man for this ſeruice, by ſealing his acceptation of *Abels* ſacrifice, in accepting *Abel* for a Sacrifice: for ſo ſaith *Chryſoſtome*, *Abel, in the beginning, before any example, firſt of all Dedicated Martyredome.* And as ſoone as Chriſt came into the world, after he receiued the oblations of the kings, preſenting part of their temporall fortunes; the next thing wherein he would be glorified, was that *Holocauſt* and *Hecatombe* of the innocent children, martyrd for his name. De Martyri Serm.7.

10 And though wee cannot by infinite degrees, attaine to our patterne Chriſt, the generall Sacrifice; yet we muſt exceed thoſe *Typique* times, and Sacrifices of the old law; and be no more couetous of our ſelues, then they were of their beaſts,

when that Sacrifice is required at our hands: for when we sacrifice our concupiscences, by rooting them out, we equall them, who sacrificed their beasts; but we exceede them, when we immolate our soule and body to God.

11 The blood of the Martyres was the milke which nourished the Primitiue Church, in her infancy, and shall it be too hard for our digestion now? It was the seede of the Church, out of which we sprung; and shall wee grudge to Tithe our selues to God, in any proportion that hee will accept? As *Zipporah* said to *Moses*, *vere sponsus sanguinum es mihi*; the Church may well say to Christ, who lookes for this Circumcision at her hands, and this tribute of blood, which he hath so well deserued; both by begetting the Church by his blood vpon the Crosse, and feeding her still with the same blood in the Sacrament.

Exod.4,25.

12 But those whom hee hath pre-ordained to this supreame Dignity of Martyrdome, God doth ordinarily bring vp in a nouitiate, and Apprentisage of worldly Crosses and Tribulations. And as *Iustinians* great Officer *Tiberius*, when out of a reuerence to the signe of the Crosse, he remoued a Marble stone from the Pauement, and vnder it found a second stone, with the same Sculpture, and vnder that a third, and vnder all, great plenty of treasure, had not this treasure in his hope, nor purpose, nor desire before hand, but satisfied himselfe

Paul. Diaco. ad Eutrop. Addit. 18.

ſelfe in doing that honour to that ſigne, which thoſe firſt times needed: So is the treaſure and crowne of Martyredome ſepoſed for them, who take vp deuourly the croſſes of this life, whether of pouerty, or anguiſh'd conſciences, or obedience of lawes which ſeeme burdenous, and diſtaſtefull to them; for all that time a man ſerues for his freedome, and God keeps his reckoning, from the inchoation of his Martyredome, which was from his firſt ſubmiſsion to theſe tribulations: which *Chryſoſtome* teſtifies thus; *That when one is executed, he is then made a Martyr* (that is, declared and accepted for a Martyre by the Church) *but from that time, when he begunne to ſhewe, that he would profeſſe that Religion, he was a Martyre, though he endured not that which Martyres doe.* *Homil. in pſal. 95.*

13 Saint *Paul* ſaith of himſelfe, *I die daily*; and *Chryſoſtome* of *Dauid*, *He merited the Crowne of Martyrdome a thouſand times in his purpoſe and diſpoſition, and was ſlaine for God a thouſand times.* And theſe perſecutions are not onely part of the Martyredome, but they are part of the reward: for ſo S^t. *Marke* ſeemes to intimate, when hee expreſſeth Chriſt thus; *No man ſhall forſake any thing for my ſake, but he ſhall receiue a hundred folde now at this preſent, houſes Brothers, Siſters, Mothers and Children, and land, with Perſecutions.* So that Chriſt promiſes a reward, but not to take away the perſecution; but ſo to mingle and compound them, and make them *1. Cor. 15.*

both of one taſte, and indifferency, that wee ſhall not diſtinguiſh, which is the meate and which is the ſawce, but nouriſh our ſpirituall growth as well with the perſecution, as with the reward.

14 For this high degree of a conſummate Martyre, is not ordinarily attained to *per Saltum*, but we muſt be content to ſerue God firſt in a lower ranke and Order: for as ſuch Kings, as come to the poſſeſsion of a Kingdome, by a new, or a violent, or a litigious Title, doe vſe at the beginning to ſigne their Graunts, and Edicts, and other publique Acts, not onely themſelues, but admit the Subſcription and teſtimony of their Counſellers, and Nobility, and Biſhoppes; but being eſtabliſhed by a long ſucceſsion, and entring by an indubitate Title, are confident in their rights, and come to ſigne *Teſte me ipſo*: So doth our Sauiour Chriſt ordinarily in theſe times, when hee is in poſſeſsion of the world, ſeale his graces to vs by himſelfe in his word and Sacraments, and doth not ſo frequently call witneſſes and Martyrs, as he did in the Primitiue Church, when he induced a new Religion, and ſaw that, that maner of confirmation was expedient for the credite and conueiance thereof.

And if a man ſhould in an immature and vndigeſted zeale, expoſe his life for teſtimony of a matter, which were already beleeued, or to which he were not called by God, he did no more honor God

God in that acte, then a Subiect should honour the King by subscribing his name, and giuing his Testimony to any of the Kings Graunts.

CHAP. II.

That there may be an inordinate and corrupt affectation of Martyrdome.

THe externall honours, by which the memories of the Orthodox Martyres in the Primitiue Church were celebrated and enobled, (as styling their deaths *Natalitia*, obseruing their *Anniuersaries*, commemorating them at their *Altars*, and instituting *Notaries*, to register their actions and passions) inflamed the Heretiques also to an ambition of getting the like glory. And thereupon they did not onely expose and precipitate themselues into all dangers, but also inuented new wayes of Martyredome; with hunger whereof they were so much enraged and transported, that some of them taught, That vpon conscience of sinne to kill ones selfe, was by this acte of Iustice, a Martyrdome: vpon which ground *Petilian*, against whom Saint *Augustine* writes, canonized *Iudas* for a[x] Martyre. The rage and fury of the *Circumcelliones*, in extorting this imagined Martyrdome; brought them first to solicite and importune others to kill them

I.

Alfons. Castr. ver. Martyrium

[x] *Prateolus l. 3 cap. 19.*

them; and if they fail'd in that suite, they did it themselues. And another Sect prospered so farre in heaping vp numbers of Martyres, that their whole sect was called *Martyriani.*

Epiph. Hæres.80

2 And a zealous scorne to be ouertaken, and equal'd in this honor, prouoked sometimes those who write the Actes of the Orthodoxe Martyrs, to insert into their Histories some particulars which were not true, and some which were not iustifiable: for of the first sort of these insertions, which proceeded (as he saith) out of too much loue to the Martyrs, *Baronius* in his *Martyrologe* complaines; and by the Canon which forbids these Histories to be reade publiquely in the Romane Church, it seems they were careful that the people should not thereby be taught and encouraged, to bring such actions into consequence and imitation, as, (if the immediate instinct of Gods spirit, did not iustifie them) would seeme indiscreete and intemperate. Nor were they onely, which corrupted the stories in fault, but out of *Binius*, the last compiler of the Councels, we may perceiue, that euen they which were Orthodoxe professors, had some tincture of this ouer-vehement affectation of Martyredome: for he saies, that the sixeteth Canon of the *Eliberitane* councell (by which it is enacted, *That those Christians which attempted to breake the Idols of the Gentiles, and were slaine by them, should not be numbred amongst the Martyrs*) was made

Cap.2

Dist.15. Sancta Romana

To.1.fo.248

to

to deterre men from following such examples, as *Eulalia*, who being a maide of twelue years, came from her fathers house, declared her selfe to be a Christian, spit in the Iudges face, and prouoked him to execute her. To which they were then so inclinable, that as a Catholique Author hath obserued, that state which inflicted those persecutions; sometimes made Edicts, that no more Christians should be executed, because they perceiued how much contentment and satisfaction, and complacency some of them had in such dying.

Prudentius

Bodin Dæmonom l.4.c.3. ex Tertull.

3 And although these irregular and exorbitant actes be capable of a good interpretation; that is, that the spirit of God did by secret insinuations excite and inflame them, and such as they were, to put feruor into others at that time; yet certainly God hath already made his vse of them, and their examples belong no more to vs, in this part and circumstance of such excesses.

4 And though this secret and inward instinct and mouing of the holy Ghost, which the Church presumes, to haue guided not onely these martyres, in whose forwardnesse these authors haue obserued some incongruity with the rules of Diuinity, but also *Sampson*, and those Virgines which drowned themselues for preseruation of their chastity, which are also acounted by that Church as martyres; although (I say) this instinct lie not in

Euseb. l.8 Hist. Eccles. c.a.24

in proofe, nor can be made euident; yet there are many other reaſons, which authorize and iuſtifie thoſe zealous tranſgreſsions of theirs (if any ſuch were): or make them much more excuſeable, then any man can be in theſe times, and in theſe places wherein we liue.

5 For the perſecutions in the Primitiue Church were raiſed either by the *Gentiles* or the *Arrians*; either the vnity of the God-head, or the Trinity of the perſons was euer in queſtion: which were the *Elements* of the Chriſtian Religion, of which it was fram'd and complexioned; and ſo to ſhake that, was to ruine and demoliſh all. And they were alſo the *Alphabet* of our Religion, of which no infant or *Neophyte* might be ignorant. But now the integrity of the beliefe of the Roman Church, is the onely forme of Martyrdome; for it is not allowed for a Martyrdome to witnes by our blood, the vnity of God againſt the *Gentiles*, nor the Trinity of perſons againſt the *Turke* or *Iew*, except we be ready to ſeale with our blood contradictorie things, and incompatible for the time paſt: (ſince euidently the Popes haue taught contradictorie things) and for the time preſent, obſcure and irreuealed thinges, and entangling perplexities of Schoolemen; for in theſe, yea in future contingencies, we muſt ſeale with our blood, that part which that Church ſhall hereafter declare to be true.

Feuardentius Theom. Caluin l.8.c.13.n.13

6 This

6 This constant defence of the foundation, and this vndisputable euidence of the truth, was their warrant: And they had another double reason, of making them extremely tender, and fearefull of slipping from their profession; which was first the subtilties and Artifices of their aduersaries, to get them to doe some acte, which might imply a transgressing and dereliction of their Religion, though it were not directly so; and so draw a scandall vpon their cause, and make their simplicity seeme infirmity, and impiety: and secondly, the seuerity which the Church vsed towards them, who had done any such acte, and her bitternesse and auersenes, from re-assuming them, euen after long penances, into her bosome. For by the third Canon of the *Eliberitane* Councel, which I mentioned before, it appeares, that euen they whom they called *Libellaticos*, because they had for money bargained and contracted with the State, to spare them from sacrificing to Idolles (though this were done but to redeeme their vexation and trouble) were seperated from the holy Communion. But none of these reasons can aduantage or relieue those of the Romane perswasion in these times, because no point of Catholique faith, either primary and radicall, or issuing from thence by necessary deduction and consequence, is impugned by vs; nor their faith in those points, wherin it abounds aboue ours,

explicated to them by any euidence, which is not subiect to iust quarrell and exception; nor are our Magistrates laborious or actiue to withdrawe them by any snares from their profession, but only by the open and direct way of the word of God, if they would heare it: nor is the Church so sowre and tetricall, but that she admits with ease and ioy, those, which after long straying, not only into that Religion, but into such treasons and disobediences, as that Religion produces, returne to her againe.

CHAP. III.

That the Romane Religion doth by many erroneous doctrines mis-encourage and excite men to this vicious affectation of danger: first by inciting secular Magistracy: secondly by extolling the value of merites, and of this worke in special, by which the treasure of the Church is so much aduanced: and lastly, by the doctrine of Purgatory, which by this acte is said certainely to be escaped.

The first part of Principallity *and Priest-hood.*

I. HAuing laide this foundation, that the greatest Dignitie, wherewith God hath enriched mans nature, (next to his owne assuming thereof) may suffer some infirmitie: yea, putrefaction, by admixture

ture of humane and passionate respects, if when we are admitted to bee witnesses of Gods honour, we loue our owne glory too much, or the Authoritie by which this benefit is deriu'd vpon vs, too little, which is the function of secular Magistracie: We are next to consider, by what inducements, and prouocations, the Doctrine and practise of the *Romane* Church doth put forward, and precipitate our slipperie disposition into this vicious and inordinate affection, and dangerous selfe-flatterie.

2 In three things especially they seeme to me, to aduance and foment this corrupt inclination. *First*, by abasing, and auiling the Dignitie and persons of secular Magistrates, by extolling Ecclesiasticke immunities and priuiledges: *Secondly*, by dignifying and ouer-valewing our merits and satisfactions, and teaching that the treasure of the Church, is by this expence of our blood increased. And thirdly, by the Doctrine of *Purgatorie*, the torments whereof are by this suffering said to be escaped and auoided.

3 And in the first point, which is a dis-estimation of Magistracie, they offend two wayes: *Comparatiuely*, when they compare together that and Priest-hood, and *Positiuely*, when not bringing the Priestly function into the ballance, or disputation, they giue the Pope authority as *Supreame Spirituall Princesse*, ouer all Princes.

4 When the firſt is in queſtion of Prieſthood and Magiſtracy, then enters the Sea, yea Deluge of *Canoniſts*, and ouerflowes all, and carries vp their *Arke* (that is the Romane Church, that is the Pope) fifteene cubites aboue the higheſt hils, whether Kings or Emperours. And this makes the Gloſſer vpon that *Canon*, where Prieſthood is ſaid to exceede the Layetie, as much as the Sunne, the Moone, ſo diligent to calculate thoſe proportions, and to repent his firſt account as too low, and reforme it by later calculations, and after much perplexity to ſay, That ſince he cannot attaine to it, he will leaue it to the *Aſtronomers*; ſo that they muſt tell vs, how much the Pope exceedes a Prince: which were a fit work for their *Ieſuite Clauius*, who hath expreſſed in one ſumme, how many granes of Sand would fill all the place within the concaue of the firmament, if that number will ſeeme to them enough for this compariſon. But to all theſe Rhapſoders, and fragmentary compilers of *Canons*, which haue onely amaſs'd and ſhoueld together, whatſoeuer the Popes themſelues or their creatures haue teſtified in their owne cauſe; *Amandus Polanus* applies a round, and pregnant, and proportionall anſwere, by preſenting againſt them the Edicts and Reſcripts of Emperours to the contrary, as an equiualent proofe at leaſt.

Extra de maior. & Obed. Solitæ. Quinquageſies ſepties & Centies quadrageſies ſepties & medium, & ſeptics meſies & ſeptingeſies, quadrageſies, quater & medium.

Comment. in Sacro. Boſc. fol. 219.

Simphon. c. 24. Theſ. 9.

5 And for the matter it ſelfe, wherein the Eccleſiaſtique and Ciuill eſtate are vnder and aboue

boue one another, with vs it is euident and liquid enough, since no Prince was euer more indulgent to the Clergie, by encouragements and reall aduancing, nor more frequent in accepting the foode of the worde and Sacrament at their hands, in which he acknowledges their superiority, nor the Clergy of any Church more inclinable to preserue their iust limits; which are, to attribute to the king so much, as the good kings of *Israel*, and the Emperours in the Primitiue Church had.

6 It is intire man that God hath care of, and not the soule alone; therefore his first worke was the body, and the last worke shall bee the glorification thereof. He hath not deliuered vs ouer to a Prince onely, as to a Physitian, and to a Lawyer, to looke to our bodies and estates; and to the Prieſt onely, as to a Confessor, to looke to, and examine our soules, but the Prieſt must aswel endeuour, that we liue vertuously and innocently in this life for society here, as the Prince, by his lawes keepes vs in the way to heauen: for thus they accomplish a *Regale Sacerdotium*, when both doe both; for we are sheepe to them both, and they in diuers relations sheepe to one another.

7 Accordingly they say, that the subiect of the Canon law is *Homo dirigibilis in Deum, & Bonũ Commune*; so that that Court which is *forum spirituale*, considers the publique tranquility. And *Reg. Iu. Possore, in 6. Glos.*

on the other side *Charles* the great, to establish a meane course between those two extreame *Councels*, of which [a] one had vtterly destroyed the vse of Images in [b] Churches: the other had induced their adoration, takes it to belong to his care and function, not onely to call a [c] *Synode* to determine herein, but to write the booke of that important and intricate point, to *Adrian* then Pope; which [d] *Steuchius* saith, remaines yet to be seene in *Bibliotheca Palatina*, and vrges and presses that booke for the Popes aduantage. And in the preface of that booke, the Emperour hath these wordes: [e] *In sinu Regni Ecclesiæ gubernacula suscepimus*; and to proceede, that not only he, to whom the Church is committed, *ad regendum*, in those stormy times, but they also which are *Enutriti ab vberibus* must ioine with him in that care: and therefore he addes, That he vndertooke this worke, *Cum Conhibentia Sacerdotum in regno suo*; neither would this Emperour (of so pious affections towards that Sea, expressed in profuse liberalities) haue vsurped any part of Iurisdiction, which had not orderly deuolued to him, and which he had not knowne to haue beene duely executed by his predecessors.

[a] *Constantin. Ann. 754.*
[b] *Nicenum 2. Anno 787.*
[c] *Francofur. Anno 794.*
[d] *Don. at. Constant l. 2. nu. 60.*
[e] *Haimius Feldiius Decretu. Impp. de Imaginibus. fo. 91.*

8 Whose authoritie, in disposing of Church matters, and direction in matters of Doctrine, together with the Bishops, appeares abundantly and euidently out of their owne Lawes, and out of

of their Reſcripts to Popes, and the Epiſtles of the Popes to them. For we ſee, by the Imperial Law, the Authoritie of the Prince and the Prieſt made equall, when it is decreed, [a] *That no man may remoue a body out of a Monument in the Church, without a Decree of the Prieſt, or Commandement of the Prince.* And yet there appeares much difference, in degrees of abſoluteneſſe of power, betweene theſe limitations of a *Decree* and a *Commandement*. And *Leo* the firſt, writing to the Emperour *Martianus*, reioyſes, that he found [b] *In Chriſtianiſſimo Principe Sacerdotalem affectum.* And in his [c] Epiſtle to *Leo* the Emperour, vſing this preface for feare leaſt hee ſhould ſeeme to diminiſh him in that compariſon (*Chriſtiana vtor libertate*) he ſaith, *I exhort you to a fellowſhippe with the Prophets and Apoſtles, becauſe you are to be numbred, inter Chriſti prædicatores*: Hee addes, that kings are inſtituted, not onely *ad mundi regimen*, but chiefly *ad Eccleſiæ preſidium*: and therefore he praies God to keepe in him ſtill, *Animum eius Apoſtolicum & Sacerdotalem.*

[a] *Dig. li. 11. Tit. 7 l. 8. §. 1.*

[b] *Leo 1. Martia. Epiſt. 70.*
[c] *Epiſt. 75.*

9 So for his diligence in the Church-gouernement, *Simplicius*, the Pope ſalutes the Emperour *Zeno*. *Exultamus vobis ineſſe animum Sacerdotis & principis*: For which reſpect his ſucceſſor [a] *Felix* the third, writing to the ſame Emperour, ſalutes him with this ſtile: *Dilectiſſimo fratri Zenoni*, which is a ſtile ſo peculiar to thoſe, which are conſtituted in the higheſt Eccleſiaſtique dignities as

Simplicius Papa An. 471. Epiſt. 14.

[a] *Ann 486. Epiſt 14.*

as Bishoppes and Patriarches, [b] that if the Pope should write to any of them by the name of Sons, which is his ordinary stile to secular princes, it vitiates the whole Diplome, and makes it false.

[b] *Extra. de Rescript. Ad audientiam. g'os. verb manifestum.*

Io And a [c] Synodicall letter from a whole Councell to a King of *France*, acknowledges this Priestly care in the king, thus, *Quia Sacerdotali mentis affectu, you haue commaunded your Priests to gather together, &c.* which right of generall superintendencie ouer the whole Church, [d] *Anastasius* the Emperour dissembled not, when writing to the Senate of Rome to compose dissentions there, hee called *Hormisda* the pope, *Papam Almæ vrbis Romæ*, but in the Inscription of the Letter, amongst his owne Titles, he writes *Pontifex inclitus.*

[c] *Conc. Aurelian. 1. Clodu. regi. c. 2*

[d] *Habetur in Binio To. 2. f. 320 Anno. 516.*

II [e] *Gregory* himselfe (though his times to some tastes, seeme a little brackish, and deflected from vpright obedience to princes) saith of the Emperours *That no man can rightly gouerne earthly matters, except he know also how to handle Diuine.* And in the weakest estate, and most dangerous fitt that euer secular Magistrate suffered and endured, *Gregory* the seuenth denied not, that these two dignities were *as the two eyes of the body, which gouernd the bodie of the Church in spirituall light*; which is more, then the Comparisons of *Soule* and *Body*, and of *Golde* and *Leade*, as they are now vsurped and detorted, can affoord. And the euidence of this truth hath extorted from *Binius* (a seuere and heauie

[e] *Li. 4. Epist. 32.*

Greg. 7. Ducì Suæ liæ l. 1. Epist. 19.

Binius To. 1. fol. 831. A.

uie depreſſer of kings,) thus much (though but in amarginall note) *Imperatores Sacra & ſecularia ex æquo curant.* And ſo much did pope *Iohn* the eight willingly acknowledge to *Lodouic* the ſonne of *Charles, That he was Cooperator ſui certaminis.* And as *Balſamo* ſaith upon the fourth generall Councell of *Chalcedon, that it belongs to the Emperour to deſigne the limits of Dioceſſes, and to erect a Biſhopricke into a Metrapolitane ſeate, and to appoint who ſhall poſſeſſe them,* So to that Canon in the Councell of *Trullo* which forbidding all Lay perſons to come within a certaine diſtance of the Altar, doth not extend to the Emperours, *Si quidem voluerit Creatori dona offerre ex antiquiſſima conſuetudine:* And to Balſamoes Notes thereupon, *that Orthodoxe Emperours, becauſe they are Chriſti Domini, haue alſo Pontificall Graces from God, and by Inuocation of the holy Trinity, they create Patriarchs, they come vnto the Altar, Et ſuffiunt ſicut & Antiſtites: Binius* oppoſes no more, but that the Canon was made in flatterie of the Emperour, which is not enough to defeate the Canon, nor eneruate the credite thereof, ſince that Canon was not *introductory* then, but *Declaratorie* of an auncient cuſtome, as the words thereof doe fully euict and proue.

Ioan. 8. Papa Ann. 873. epiſt. 87.

Balſamo. in Conc Chalced. can. 17

Concil. Quinoſen in Trullo. ca. 69. Anno 692.

Notæ in hunc can. To. 3. par. 1. fo. 156. A.

12 And not onely Councels ſubmitted their Decrees to the Emperours for Authoritie, and ſupplemen. of defects, but the Popes themſelues conſulted the Emperours before hand, by their

Leo, Martiano Epist.64.

Letters, in matters of greatest difficultie and importance: So *Leo* the first writes to *Martianus* the Emperour, about the establishing of *Easter*, in which point the Church suffered more stormes & schismes, then almost in any other, that did not concerne the Trinitie, and at this time nothing was certainely determined and decreed therein. Thus then he writes to him, *Cupio vestræ Clementiæ studijs adiuuari, That so no error may be committed in the obseruation thereof.* And *Leo* the eight, exhorts the Sonnes of *Charles*, as partners in his Pastorall care to imploy *Baculos redargutionis.* And concerning some spiritual matters, then to be determined, he ends his Epistle thus, *The penne must first be dipped in the fountaine of your heart, and then my Hand shall frame the Characters.* And so when a Bishop of *Constantinople* stood out in some things against the Emperor, the Bishop of *Rome*, who at that time had iustly acquir'd a great reputation in the Catholicke Church, writes to the Emperour, *That if that Bishop perseuer in such courses, as displease God, and the Emperour, Salua Mansuetudinis vestræ Reuerentia, vtar in eum liberiori Constantia.* So that hauing first asked the Emperour leaue, he offers him his assistance.

Leo 8. Epist. 87.

Leo 1. ad Martian. Epist. 70.

Grego. 1. li. 3. Epist. 20.

13 And though *Gregorie* the first (whom wee may iustly call a border-pope, because though hee made no deepe roades into the iurisdiction of Princes, yet he extended his owne to the vttermost inch,

inch, and sometimes transgressed a little beyond) though he, I say, suspended one, to whome Orders were giuen by the Emperours commandement, yet hee doeth not this absolutely, but because he knew (as he said) the Emperours minde therein, and that particular parties vnworthinesse; he suspended him, vntill he might vnderstand from his *Responsall* with the Emperor, whether that pretended Commandement from the Emperour were not subreptitious.

14 And when this correspondence was intermitted, as it appeares often to haue beene, to the preiudice of the whole Church, the Emperours were euer forwardest to labour a re-union and concurrence of their powers, to the benefit and peace thereof; as *Anastatius* testifies thoroughly in a Letter to *Hormisda*, in these words; *Before this time, the hardnesse of them, to whom the care of this Bishopricke, which you now gouerne, was committed, made vs abstaine from sending any Letters: but now, since their runnes a sweete opinion of you, it hath brought backe to our memorie, the goodnesse of a fatherly affection, that we should require those things*, and so foorth. By which, all these circumstances appeare, That the Emperours did vse to write, and that the fault which induced a discontinuance thereof, proceeded from the Pope; and that the Emperour pretermitted no opportunitie of resuming that custome; and that when he writ, he did it

Anastas. Imp. Hormisdæ Papæ. Binius. To. 2. fo. 315. A.

out of a fatherly care, and by the way of requiring. And how much ioy *Hormisda* conceiued by this Letter, appeares by his phrase of expressing it, *Sacros affatus congrua veneratione accepimus.*

Hormisda Epist. 2.

Binius To. 2. fo. 335. B.

15 With like care *Iustinus* the Emperour exhorts the same Pope, to a Peace and Vnion with the Easterne Church, by his Letters which hee cals *Diuinos Apices.* And scarse by any one thing doth this care of Princes, and obsequiousnesse of Popes appeare more, then by the Letter of *Pelagius* the first (who was little aboue 550. yeares from Christ) to *Childebert* King of *France*, in these words. *We must endeuour, for the taking away of all scandall of Suspition, to present the obsequiousnesse of our Confession, vnto Kings, to whom the holy Scriptures command euen vs to bee subiect. For* Ruffinus, *your Excellencies Ambassadour, asked from vs confidently, as became him, that either we should signifie to you, that we did obserue in all points the Faith, which* Leo *had described, or send a Confession of our Faith in our owne words.* And so accordingly he performes both, as well binding himselfe to the Faith of his predecessours, as exhibiting to the King another forme of the same Faith, compos'd and digested by himselfe; which, if the Bishops of that Sea would accept now, I doe not perceiue wherein there could be any Schisme.

Pelagius 1. Epist. 16. & 25. q. 1, Satageadum.

16 And as the Emperours were carefull assistants of the Popes, that that mother Church at whose

whose breast most of the Westerne Churches sucked their spirituall nourishment, should be infected with no poison, because it might easily be deriued from thence to the other members; so did they not attend the leisure of that Churches resolution, nor the incommodity of Generall Councels, but vsed their owne power to gouerne their Churches, by constitutions of their owne; for so [a] *Iustinian* the Emperour sayes of his owne lawe, by which he priuiledges certain religious houses; *We offer vp this Diuine law as a faire and conuenient sacrifice to Christ.* So that eyther that attribute *Diuinum* was then affoorded to ciuill Constitutions, or the Emperour made Ecclesiastique lawes, if that word belong onely to such. [b] The Emperours tooke it into their care, to dispose of their estates which entred into Monasteries; [c] And of theirs also which dyed in Monasteries; so that neither the purpose of entring, nor the acte, nor the habite, and perseuerance deuested the Emperour of his right, or hindred the working of the Law. [a] The Emperours also by their lawes appointed which of their subiects might not take Orders, [b] and at what age Orders might be confer'd; and that no woman after a second marriage might be *Diaconissa*; which was, to make a law of Bigamy.

[a] *Cod. l. 1. Tit. 3. l. vltim. in fine.*

[b] *Cod. l. 1. Tit. 2. le. 13.*
[c] *Cod. l. 1. Tit. 3. l. 20.*

[a] *Cod. l. 1. Tit. 3. l. 4. & 27.*
[b] *Ibid. le. 9.*
[c] *Ibid. §. Diaconissa.*

17 Yea they commanded and instructed in matter of Faith; for so [d] *Iustinian* saies of himselfe,

[d] *Cod. li 1. Tit. 1 l. 6.*

we are forward to teach, what is the right faith of Christians, and we *Anathematize Apollinarius*[c]. So also *Honorius* and *Theodosius* inflict the punishment of death vpon any Catholique Minister (for then neither that name was abhorred by Priests, nor they exempt from criminall lawes) which shold re-baptize any man; and yet this was a meere spirituall offence. And so [f] *Valentinian*, and his Co-emperours pronounce marriage betweene *Iewes* and *Christians* to be adultery. And [g] *Iustinian* interprets how a Testator shall bee vnderstood, when he appoints Christ, or an Angell, or a Saint to be his heyre.

[c] *Cod. lib. 1. Tit. 6. l. 2.*

[f] *Cod. l. 1. Tit. 9. lib. 6.*

[g] *Cod. l. 1. Tit. 2. l. vlt.*

18 Nor deale they onely with temporall punishments vpon Ecclesiastique persons, which is farder then is affoorded them now, but they inflict also spirituall censures: for *Gratian* and his Co-emperours pronounce against Heretiques, (that is, Impugners of the Nicene councell) *That they shall be vtterly secluded from the threshold of the Church*: And in the next law, which is against *Nestorians*, they say, *If the offenders be Laymen, Anathematizentur, if Clergie men, Ejciantur ab Ecclesijs.* [a] And another of their lawes doth not only inflict temporal & ignominious punishmēt vpon Clergy men, but Ecclesiastique censures also in these words: *If a Clergy man be guilty of false witnes in a pecuniary cause, let him be suspended three yeares, and in a criminall, let him be depriued.* [b] And another suspends

Cod. l. 1. Tit. 1. l. 2

[a] *Cod. l. 1. Tit. 3. l. 7. § Presbiteri.*

[b] *Ibid. le. 17. §. Interdiximus.*

ſpends for three yeares, euen *Sanctiſſimos & venerabiles Epiſcopos*; if they doe but looke vpon players at Tables: and that law authorizes him, vnder whoſe power that offender is, if he appeare penitent, to abbreuiate his puniſhment; [c] and of Biſhoppes which will not forſake women, it pronounces thus; *Abiiciantur Epiſcopatibus.* And in the matter of eſtabliſhing and ordering *Sanctuaries,* [d] one of the writers of the Romane parte hath preſented ciuill conſtitutions enow, to teach vs, that that was within the care and Iuriſdiction of ſecular Princes.

[c] *Ibid. l. 19.*

[d] *Simancha. de Repub. l. 8. c. 40.*

19 [e] And when an Emperour had created a Biſhop of *Antioch*, contrary to the forme preſcrib'd in the Nicene Councell, of an intire obſeruation, whereof the chriſtian Church was extremly zealous, the Pope proceedes not by anullings and vociferations, but writes thus to the Emperour: *We may not diſſallow that which you haue done holily and religiouſly out of a loue to peace and quietnes*; by which we ſee that Canons of Councels, though they were *Directions*, yet they were not *Obligations* vpon Princes for their gouernement. By all which it appeares, that thoſe Chriſtian and Orthodoxe Emperors, iuſtifying their inherent right, by theſe frequent and vn-interrupted matters of fact, apprehended not this vaſt and incomprehenſible diſtance betweene ſecular and eccleſiaſtique power, but that they were compatible enough, and condu-

[e] *Simplicius Zenoni. Ep. 14.*

conduced, and concurred to one perfection, and harmony of the whole state.

20 And it is related by [a] an Author of great estimation in the Romane profession, that *Gregory* the seuenth was author of a new scisme, diuiding and tearing priesthood and principality. [b] And it is euident that *Bertram* a priest vnder *Carolus Calvus*, almost eight hundred yeares since, writing of that Diuine and abstruse mysterie, *De corpore Domini*, submits his opinion to the iudgement of the King and his Counsaile, as competent Iudges of that question: and [c] *Cochlæus* saith, that *Luthers* doctrine was condemned for hereticall by an edict of the Emperours, with the common assent of the Princes and the States. And the holy Ghost had well intimated the concurrence of their two powers in [d] Deuter. if those wordes which are in the Text, *Nolens obedire sacerdotis Imperio, & Decreto Iudicis, moriatur*; were not chaunged by the vulgate edition, into *Ex Decreto*; and thereby only the priest made Iudge of the controuersies, and the Magistrate onely executioner of his Sentences.

21 For certainely these two functions are not in their nature so distinct, and Diametrically opposed, but that they may meete in one matter, yea sometimes in one man, and one man may doe both: for amongst the Gentiles, it was so for the most part: and sometimes amongst the Israelites. And

[a] *Espencæus. com. in Tim. l. 2. pag. 275.*

[b] *Index Expur. Belg. fo. 15.*

[c] *Prefatio in Histor. de act. & Script. Lutheri.*

[d] *Deut. 17. 11.*

And in late times [a] *Maximilian* the first, a Catholique Emperour, thought it belonged to the *Empire*, to haue also the *Papacy* vnited to it: and therfore when *Iulius* the second lay desperately sicke, he endeuoured to bring to execution, that which he had often meditated, and consulted, and receiued as approued from some great persons of dignity in that Church, which was to bee elected Pope in the next Conclaue, and to restore the Papacy (as he thought or pretended) to the Emperiall Crowne.

22 [b] And if a Lay-man be elected Pope, he need not presently be made Prieſt, but he may, if hee will, stay in *Subdiaconatu*. And to that degree they seeme to admit the Emperour, when he comes to be crowned at *Rome*; [c] for at the Communion he administers to the Pope in the place of Subdeacon. And this in the Primitiue Church was not (as [d] themselues confesse) *Ordo Sacer*: though of late it be growne to be such a perplexed case, whether it were or no, that of those commissioners, which two Popes made to survay the *Decretals*, one company expunged, the other re-assumed [e] one place in that book, which denies this to haue beene amongst holy Orders.

23 The Emperour also puts on a Surplis, and is admitted as a Canonick not only of Saint *Peters* Church, but of Saint *Iohn Laterane*; to which particular Churches (of which the Pope is Par-

[a] *Epist. Maximil. ad Baro. Leichtenstein Habetur in Monit. polit edit Francf. Ann. 1609. fo. 33.*

[b] *Ceremoniæ Sacræ. Cap. de Ordinatione.*

[c] *Idem. ca. de Coronat.*

[d] *Alfon. Auares speculatrius que Dig. c. 10. nu. 3.*

[e] *Extra de bigam. non Ordin. Super eis. gloss. verbo Sacros.*

son, as he is Bishoppe of *Rome*, Metropolitane of *Italy*, patriarch of the West, and pope of the world, all those blessings and priuiledges which are ordinarily spoken of the Catholique Church are said by [a] some to bee irremoueably annexed and appropriate: hereupon some of their owne lawyers say, [b] That all kings are clergie men; and that therefore it is sacriledge to dispute of the authority of a King.

[a] *Aluares spec. vtri. Digni. ca. 1. nu. 40.*
[b] *Cassaneus. par. 5. consid. 24. art. 59. & 181.*

24 But howsoeuer these two functions, since the establing of Christianity, haue for the most part beene preserued distinct, and ought so to be; yet they are at most, but so distinct as our *Body* and *Soule*: and though our Soule can contemplate God of herself, yet she can produce no exterior act without the body. Nothing in the world is more spirituall and delicate, and tender then the conscience of a man; yet by good consent of Diuines, otherwise diuersly perswaded in Religion, the ciuill lawes of Princes doe binde our consciences: and shall the persons of any men, or their temporal goods, be thought to be of so sublimed, and spirituall a nature, that the ciuill constitutions of Princes cannot worke vpon them? Nor doe we therfore decline the comparison, so much vrged by the Romanes, that the Clergie exceede the Laiety as much as the *body* the *soule*, when it is so conditioned and qualified, as the authors thereof intended it; That is, that the seales and

Bellar. de Pont. Ro l. 5. c. 6. §. Est igitur. Ex Nazianz.

inſtruments of Gods grace, the Sacraments, are in the diſpenſing of the Clergy, as temporall bleſſings are in the Prince and his lawes, ſtrictly and properly, though concurrently both in both, (for the execution of the moſt ſpirituall function of the prieſt, as it is circumſtanced with time and place; and ſuch, is ordinarily from the Prince): But we are a litle affraid, that by a literall and punctuall acceptation of this compariſon, we may giue way to that Supremacy, which they affect ouer Princes; becauſe their *Sepulueda* ſaith, *That the ſoule doth exerciſe ouer the body, Herile Imperium, vt Dominus in ſeruum:* and ſo by this inſinuation ſhould the pope doe ouer the prince.

Sepulueda de regn. & reg. Hu. l. 1.

25 Howſoeuer in their firſt inſtitution Popes were meere Soules, and purely ſpirituall, yet as the pureſt Soule becomes ſtain'd and corrupt with ſinne, aſſoone as it touches the body: ſo haue they by entring into ſecular buſineſſe, contracted all the corruptions and deformities thereof, and now transferre this originall diſeaſe into their ſucceſſours. And as in the ſecond *Nicene* Councell, when the Biſhop of *Theſſalonica* auerr'd it to be the opinion of *Baſil*, *Athanaſius*, and *Methodius*, and the Vniuerſall Church, that *Angels*, and *Soules* were not meerely incorporeall, but had bodies: The Councell in a prudent conniuencie, forbore to oppoſe any thing againſt that aſſeueration, becauſe it facilitated their pur-

Concil. Nice. 2. Actio 5.

To. 3. Par. 1. fol. 399.

pose then, of making Pictures and representations of Spirits (though *Binius* now vpon that place, say, his Assertion was false and iniurious to the Church:) So though in true Diuinitie the Pope is meerely spirituall, yet to enable him to depose Princes, they will inuest and organize him with bodily and secular Iurisdiction, and auerre that all the Fathers, and all the Catholicke Church were euer of that opinion. For the Pope will not now be a meere Soule and Spirit, but *Spiritualis homo, qui iudicat omnia, & a nemine iudicatur.* For so a late writer stiles him, and by that place of Scripture enables him to depose Princes. Nor will this serue, but he must be also *Spiritualis Princeps*; of which we shall hereafter haue occasion to speake.

1. Cor. 2. 15.

Maynardus de Priuileg. Eccles. Art. 9. n. 1.

26 And as a cunning Artificer can produce greater effects, vpon matter conueniently dispos'd thereunto, then nature could haue done, (as a Statuarie can make an Image, which the Timber and the Axe could neuer haue effected without him: And as the *Magicians* in *Egypt* could make liuing Creatures, by applying and suggesting Passiue things to Actiue, which would neuer haue met, but by their mediation:) So, after this *Soule* is entred into this *Body*, this spirituall Iurisdiction into this temporall, it produces such effects, as neither power alone could worke, nor they naturally would vnite and combine themselues

selues to that end, if they were not thus compressed, and throng'd together like wind in a Caue. Such are the thunders of vniust Excommunications, and the great Earthquakes of transferring Kingdomes.

27 And these vsurpations of your Priests haue deseru'd, that that stygmaticall note should still lie vpon them, which your Canons retaine, [a] *That all euill proceedes from Priests.* For though [b] *Manrique* whom *Sixtus* the fift employ'd, had remooued that glosse, yet *Faber* to whom *Gregorie* the thirteenth committed the suruey of the Canons, retaines it still. And (if the Text be of better credit then the glosse) the Text hath auerred Saint *Hieromes* words, *That searching ancient Histories, he cannot find, that any did rent the Church, and seduce the people from the house of God, but those which were placed by God, as Priests, and Prophets, that is, Ouerseers; for these are turnd into winding Snares, and lay scandals in euery place.*

[a] *Dist. 50. et Turgabit. glos. verb. Domo.*

[b] *Iadex. Expur. Belg. fol. 306.*

24. q. 3. *Transferunt.*

28 Euen the Name of King, presents vs an argument of pure, and absolute, and independant Authoritie; for it expresses immediatly, and radically his Office of gouerning, wheras the name of *Bishop* hath a metaphoricall, and similitudinarie deriuation, and being before Christianitie applied to Officers, which had the ouerseeing of others, but yet with relation to Superiours, to whom they were to giue an account, deuolu'd

conueniently vpon such Prelates, as had the ouerseeing of the inferiour Clergie, but yet gaue them no acquitance and discharge of their dueties to the Prince.

29 And God hath dignified many races of Kings, with many markes and impressions of his power. For by such an influence, and infusion, our kings cure a disease by touch, and so doe the French Kings worke vpon the same infirmitie. And it is said that the kings of *Spaine* cure all Dæmoniaque and possessed persons. And if it bee thought greater, that the Pope cures spirituall Leprosies, and lamenesses of sinne, his Office therein is but accessorie and subsequent; and after an Angel hath troubled our waters, and put vs into the Poole, that is, after we are troubled and anguished for our sinnes, and after we haue washed our selues often in the riuer Iordan, in our teares, and in our Sauiours blood vpon the Crosse, and in the Sacrament, then is his Office to distinguish betweene Leaper and Leaper, and pronounce who is clensed: which all his Priests could doe as well as he, if he did not Monopolize our sinnes by reseruations.

Valdesius de Dignitate regum Hispa c.16.

30 And this is as much as seemes to me needfull to bee said of their auiling Magistracy, in respect of Priesthood: for, for vs priuate men it must content vs, to be set one staire higher then dogges; for so they say in their Missall cases, that

Ioan. de Lapide Casus missal. cap. 6. Ar. 5 §. Quocunq.

if

if any of the consecrated wine fall downe, the Priest or his assistant ought to licke it vp; but if they be not prepar'd, any Lay-man may be admitted to licke it, least the dogge should. And of the comparison of these two great functions, Principality and Priesthood, I will say no more, least the malignity of any mis-interpreter might throw these aspersions, which I lay vpon persons, vpon the Order. And therefore since we haue sufficiently obserued, how neare approaches to Priest hood the Christian Emperours haue iustly made, and thereby seene the iniustice of the Romane Church, in deiecting Princes so farre vnder it: we will now descend to the second way, by which they debase Princes, and derogate from their authority.

31 For it is not onely in comparisons with Priesthood, that the Romane writers diminish secular dignity, but simply and absolutely, when they make the Title and Iurisdiction of a king so smoakie a thing, that it must euaporate and vanish away by any lightning of the popes *Breues* or censures, except they will all yeeld to build vp his Monarchy, and make him heyre to euery kingdome, as he pretends to be to the Empire: for[a] *of that* (saith a Iesuite) *now there is no more controuersie.*[b] And *if the electors dissagree in their election, then the election belongs to him.* And whether they agree or no,[c] *this forme of Election is to continue but so long, as the Church shall thinke it expedient.* And if he

[a] *Azor. par. 2 l. 10. c. 9. §. Cæterum.*
[b] *Aluares spec. utr. Dign. ca. 56. nu. 12.*
[c] *Idem. ca. 16. nu 15.*

he had such title to all the rest, that Monarchie might in a vaster proportion extend it selfe, as farre as one limme thereof, the *Iacobins*, do in *Paris*: [d] to whom *Philip le longe*, gaue a Charter for their dwelling in that Citie, in these wordes: *A porta eorum, ad portam Inferni, inclusiue.*

[d] *Ren. Choppinus de Iure Monast. l. 1 Tit 1. nu. 15.*

32 And how easily and slipperily Princes incurre these censures, may be collected by *Nauarrus*, who saies, *It is the Catholique faith, without firm beleefe whereof, no man can be saued; that no Prince can erect or extinguish a benefice without the Pope; and to thinke the contrary* (saith he) *doth taste of the English Heresie.*

Nauar. Manual. c. 27 nu. 13.

33 Scarce any amongst themselues can escape that excommunication Dormant, which they call *Bullam Cœnæ*; in which *Nauarrus* reckons vp so many hooks, with which it takes hold, that euery honest man, and good subiect with vs now, ought to be affraide, least he haue not incurred it, since all they are within the danger thereof, that adhere to any, who hath but offended a Cardinall: of whose safety the popes are growne so carefull, that in the later *Decretals* it is made *treason*, euen in a stranger and no subiect; *If he haue any kind of knowledge, or coniecture of any harme, intended to any of them.* And *the Emperour himselfe if he abett, or receiue, or fauour, or countenance any that doth, or intends personall harme to a Cardinall, becomes a traytor.* For *they are the eldest sonnes of the Church, and partake*

In septimo. Tit 4. c. 3.

Hiero. Gigas de læsa mai. 1. Rubr. 4. q. 5. nu. 10.

Ibid. nu. 2.

take of the Maiesty of their father. Nor are they brethren to any of lesse ranke, but to such, their stile is but *vester vti frater*, as *Baronius* writes to *Schultingius* his abbreuiator. And though *Bishops* and the *Emperour* swear fidelity to the pope; yet, saies *Gigas*, *the Cardinals doe not take that oath, because they are parts of his body, and his owne Bowels.* *Ante. librum Schultingij. To. 1*

Vbi supra n. 6.

34 And not onely all princes are bound to a reuerend respect of them, but [a] in solemne processions, the *Image of Christ must looke backward, if a Cardinall follow*; and God himselfe in the Host, must giue them place: for at the Coronation of the pope, [b] when they prouide twelue horses for the *Pope*, and one gentle one for the Host, the dignity of the place being measured by the neerenesse to the *Popes* person; the Cardinals place is, to ride betweene the Host and the *Pope*. And in their mysterious passages vpon Ash-wednesday, [c] when the *Pope* laies the ashes vpon a Cardinall, he saies not to him, as to all others, *Memento homo, quia Cinis es*, but *quia puluis es*: Intimating perchance, that they are neuer so burnt to ashes, but that the fires of lust or ambition are still aliue in them. To which, I thinke there was some regard had, when it was so wisely prouided, [d] that when a Cardinall did celebrate masse, there might enter no woman, nor man without a beard.

[a] *Paris crassus De ceremo. Episcop. li. 2. ca. 42*

[b] *Cerem. Sacræ. cap. de consecrat. fo 36.*

[c] *Par. crass. l. 2. c. 43.*

[d] *Idem. l. 1. c. 27*

35 Nor doth the Pope improuidently, in aduancing them with these dignities and priui-

ledges, nor in multiplying their number, so directly against the Councell of *Basil*, [e] which limits them to twentie foure (except, vpon vniting the Greek Church, it might be thought fit to add two more) and forbids expresly any Nephues of the Popes to be admitted. For no excesse in number, [f] (though they were returned to two hundred and thirty at once, as they are said to haue beene in *Pontianus* his time; and though he should pile them vp, and throw them downe, as fast as those Popes which created sixe and twenty in one day, and executed sixe in another) could disaduantage that Sea of Rome, if they might be prouided out of the states of other Princes (as in a great measure they are) since the Church is their heyre, and they are all but stewards for her. Of which the Pope gaue a dangerous instance, when he put in his claime for the kingdome of *Portugall*, because the last king was a Cardinall. These princes, no secular prince may dare to offend, nor subiect adhere to him, if he doe, vpon danger of that Bull: and yet they are made Iudges of the actions of all Princes, as *Baronius* saies; and so oppressed with infinit suits against Princes, that it may be fitly said of them, which *Iob* saies, *Ecce genuit gigantes sub aquis, & qui habitant cum eis*: which wordes the Cardinals will not thanke *Baronius* for applying to them, if they consider that *Lyra* interprets this *place* of Gyants drowned in the flood, and

[e] *Conc. Basil. Sess 23. cap. de num. et qualit. Card.*

[f] *Aluares speculr Dig. ca. 24. n. 15*

Theod. a Niem. de schism. l. 1, cap 12. & 57.

Conestaggio della vnione di port. et custig. l. 3. in princip.

Resp. ad Card. Colum. nu. 31.

Iob. 26, 5.

now

now damn'd and lamenting in hell. But now, a Cardinall cannot chuſe but bee a perſon of great holineſſe and integritie, ſince there is a Decretall in a generall Councell, and a Bull of *Leo* the tenth, which doe not only *Hortari*, and *Mouere*, but *Statuere*, and *Ordinare*, that euery Cardinal ſhall be of good life. *In ſeptimo. Tit. 4 ca. 4.*

36 And as theſe cenſures and Excommunications of the Pope, inuolue all cauſes; ſo doe they all perſons, except the Pope himſelfe, and ſuch companie, as the Canons haue appointed him in this exemption, which are, *Locuſts, Infidels, and the Diuell.* For theſe, and the Pope, ſayes *Nauarrus*, cannot be Excommunicated: Yet as in their exorciſmes of perſons poſſeſſed, it is familiar to them, when the Diuell is ſtubborne, to call him [a] *Heretique*, and [b] *Excommunicate*, ſo ſome Popes haue kept him companie in both thoſe titles. And as they cal their *Hermits Locuſts* (becauſe as it is in *Salomon*, *They haue no Kings, yet they goe forth by bands*) and accordingly the *Hermits* are ſubiect to no *Superiour*, and in that ſenſe *Locuſts*, as their owne *Gloſſer* ſtiles them: ſo may they prodigally extend the name and priuiledge of Inexcommunicable *Locuſts*, to many in the other Orders, ſince as the *Hermits* haue no kings, ſo many of the others wiſh, that none elſe had any King, and doe their beſt endeuour by auiling them, to bring them into contempt, and to annihilate their dignitie and them. *Nauar. Manu. ca. 27. n. 13.* [a] *Menghi. Flagel. Dæmo. fo. 42. b. fo. 79.* *Prou. 30. 27.* *16. q. 1. qui uere. gloſ. verbo. vere.*

37 He that should compare the stile of *Thomas Becket* to his King (*Olim seruus, nunc in Christo Dominus*) with that of *Dauid*, after he knew *Saule* to be reproued by God, and himselfe anoynted, (*After whom is the King of Israel come out? After a dead Dogge, and after a Flea?*) Would suspect that this difference of stile, was not from one Author. Saint *Chrisostome* notes, that euen to *Nabuchonozor*, who persecuted them for their faith, they which were condemned, said: *Notum sit tibi Rex*; *and would not offer to the Tyrant, that contumelious name.* And to prophane and irreligious Princes, God himselfe in his Bookes, affoords one of his owne names, Christ.

In Epist. eius ms

Chrisost. ad Pop. Antioch. Ho. 23.

38 What high stiles did many Christian and Orthodoxe Emperours assume to themselues? The Law stiles the Emperour, [a] *Sanctissimum Imperatorem.* And his priuiledges, [b] *Diuinas Indulgentias.* So *Gratian* and his Colleagues in the Empire, in the first Law of the Code, call their [c] *Motus animi, Cæleste arbitrium.* And *Theodosius* and *Valentinian* making a Law with a *non obstante*, preclude all dispensations, which the Emperours themselues might graunt, in these words, [d] *Si Cæleste proferatur Oraculum, aut Diuina pragmatica Sanctio.* So also *Theodosius* and *Arcadius*, when they make a Law for dispatch of Suites, begin thus, *Nemo deinceps tardiores affatus nostræ Perennitatis expectet.* And *Iustinian* in the inscription of one of his owne

[a] *Dig. li. 31. Ti. 1. l 87. §. Imperator.*
[b] *Dig. l. 1. Tit. 4. Le. 3.*
[c] *Cod. l. 1. Tit. 1. L. 1.*
[d] *Cod. l. 1. Tit. 2. Le. 10.*
[e] *Cod. l. 1. Tit. 4 L. 3.*

owne Lawes, inserts amongst his owne Tiles, [f] *Semper Adorandus Augustus.* And in a Lawe of *Monasteriall,* and *Matrimoniall* causes, (which are now onely of spirituall Iurisdiction) he threatens, that if any *Bishop* infringe that Law, [g] *Quam nostra sanxit Æternitas, Capitis supplicio feriatur.* In which stile also *Theodosius* and *Arcadius* ioyne, [h] *Adoraturus æternitatem vestram dirigatur.* And another proceedes somewhat further, [i] *Beneficio numinis nostri.* And *Theodosius*, and *Valentinian* deliuer it more plainely, [k] *Vt sciant omnes, quantum nostra Diuinitas auersatur Nestorium;* and so in fauour of the puritie and integritie of Christian Religion, in contemplation whereof, it seemes they were Religiously exercised, euen at that time, when hee assum'd these high stiles, they proceede in the same Law, *We anathematize all Nestorius followers, according to those things which are already constituted A Diuinitate nostra.* And *Constantius*, and *Irene* write themselues *Dinos*, and their owne Acts, *Diualia.* And this, Pope *Adrian*, to whom they writ, reprehended not; but the Emperour *Charles* did, and another phrase of as much exorbitance, which was, *Deus qui nobis conregnat.*

39 The highest that I haue obserued any of our Kings to haue vsed, is in *Edward* the fourth, who in his creation of *Marques Dorset*, speakes thus of himselfe; *Cum nostra Maiestas, ad Regium Culmen sublimata existat*; and after, *Tantum splendoris*

[f] *Cod. l. 1. Tit. 15 Le. 3.*

[g] *Cod. l. 1. Tit. 3. l. 55 §. Hist a.*

[h] *Cod l. 11. Tit. 9. l. 2.*

[i] *Cod l. 1. Tit. 2. l. 23. 8.*

[k] *Cod. l. 1. Tit. 1. l. 3.*

Carol. Mag. l. 1. c 1. & 3.

Glouer de Nobilit. fol. 75.

Cassaneus catal Glor. par. 5. consid. 30.

Aluares specul. vtri Dign. Epist. ad Mariam

Oratio Cæsarij a Branhedoro in subscriptione.

Bell. Recogn. fo. 2.

Serarius litaneuticus. l. 2. q. 6

ris nostri nomen. But a little before his time *Baldus* gaue as much to the king of France, as euer any had; for he said he was in his kingdome, *Quidam Corporalis Deus.* And in our present age, a Roman Author in a Dedication of his booke, thus salutes our Queene *Mary*: *becauſe your Highneſſe is the ſtrongeſt bul-warke of the Faith, Tua Numina ſupplex poſco*; which is also attributed to the Emperour in a late Oration to him, and to other Princes. And in some Funerall Monuments of Queene *Maries* time, I haue read this inscription; *Diuis Philippo & Maria Regibus*, which word *Diuus*, *Bellarmine* values at so high a rate, that he repents to haue bestowed it vpon any of the Saints; and therefore in his late Recognition blots it out: which tenderneſſe in him, another *Ieſuite* since disallowes, and iustifies the vse of the worde against *Bellarmines* squeamish abstinence; because the worde, saies *Serarius*, may be vsed alwel as *temple* or as *fortune*, which are also Ethnique wordes. But by his leaue he is too hasty with the Cardinall, who doth not refuse the word, becïuse the Ethniques vsed it, but because they appointed it onely to their Gods; *Bellarmine* insimulates al them, which allow that worde to Saints, of making Saints Gods.

40 And though in some of these Titles of great excesse, which these Emperous assum'd to themselues, we may easily discerne some impres-

sions

sions of Gentilisme, which they retain'd sometimes, after Christian Religion had receiued roote amongst them; as they did also their Gladiatorie spectacles, and other wastefull prodigalities of mens liues; and Bondage and seruility, and some other such: yet neither in them, nor in other Princes, is the danger so great, if they should continue in them, as it is in the Bishoppes of Rome. For Princes, by assuming these Titles, do but draw men to a iust reuerence, and estimation of that power, which subiects naturally know to be in them: but the other, by these Titles seeke to build vp, and establish a power, which was euer litigious and controuerted, either by other Patriarchs, or by the Emperours: for *Bellarmine* hauing vndertaken to proue the Pope, to be *Peters* successor in the Ecclesiastique Monarchy (which Monarchy it selfe is denyed, and not onely the popes right to it) labors to proue this assumption, by the fifteene great names, which are attributed to the Popes.

De Pont. Ro. li. 2. c. 12.

Ibid. ca. 32.

41 And the farthest mischiefe, which by this excesse Princes could stray into, or subiects suffer, is a deuiation into Tyranny, and an ordinary vse of an extraordinary power and prerogatiue, and so making subiects slaues, and (as the *Lawyers* say) *Personas Res*. But by the magnifying of the Bishoppe of Rome with these Titles, our religion degenerates into superstition; which is a worse danger:

danger: and beſides our temporall fortunes ſuffer as much danger and detriment, as in the other; for Princes by their lawes worke onely vpon the faculties and powers of the ſoule, and by reward and puniſhment, they encline or auert our diſpoſitions to a loue or feare. But thoſe Biſhopps pretend a power vpon the ſubſtance of our ſoules, which muſt be in their diſpoſition, for her condition and ſtate in the next life. And therefore to ſuch as claime ſuch a power, it is more dangerous to allow and countenance any ſuch Titles, as participate in any ſignification of Diuinity.

42 For ſince they make their Tribunall and Conſiſtory the ſame with Chriſt, ſince they ſay [a] *It is Hereſie and Treaſon to decline the Popes iudgement, per ludibria friuolarum Appellationum, ad futurum Concilium*, as one Pope ſaies; ſince they teach, [b] that *one may not appeale from the Pope to God himſelfe*; [c] ſince they direct vs *to bow at the name of Ieſus, and at the name of the Pope, but not at the name of Chriſt*; for that being the name of Annointed, it might induce a reuerence to Princes (who partake that name) if they ſhould bow to that name, ſince they eſteeme their lawes Diuine, not as Princes doe, by reaſon of the power of God inherent in all iuſt lawes, and by reaſon of the common matter and ſubiect of all ſuch lawes (which is publique vtility and generall good) but becauſe their lawes are in particular dictated by the holy Ghoſt, and

[a] *Epiſt. Tij 2. ad Norimbergenſes*

[b] *Maynardus De priuileg. Eccles. art. 27. n. 15*

[c] *Par. Craſſus de Ceremo. Epiſcop. & Card. l. 1 c. 5 & cap. 22.*

and therefore it is *Blaſpemy and ſinne againſt the holy Ghoſt to violate any of them*; ſince themſelues make this difference betweene the name of God, as it is giuen to Princes, and as it is giuen to them: that *Princes are called Dij laicorum, and they Dij principum*; ſince to proue this, they aſſume a power aboue God, to put a new ſenſe into his word, which they doe, when they proue this aſſertion out of theſe words in Exodus; *Dijs non detrahes, & principi populi non maledices*, for by the firſt, they ſay, the popes are vnderſtood, and by the ſecond princes; when as Saint *Paul* himſelfe applies the latter part to the high prieſt, and their expoſitor *Lyra*, and the *Ieſuite Sà*, interpret the firſt part of this Scripture of *Iudges*: Since, I ſay, they entend worſe ends then Princes doe, in accepting or aſſuming like Titles; and ſince they worke vpon a more dangerous and corruptible ſubiect, which is the Conſcience and Religion; ſince they require a ſtronger aſſurance in vs by faith; ſince they threaten greater penalties in any which doubt thereof, which is damnation; the popes cannot be ſo excuſeable in this exceſſe as princes may be. And yet princes neuer went ſo farre as the popes haue done, as we ſhall ſee, when we come to conſider the title and power of ſpirituall princes.

25. q. 1. *Violatores.*

Maynard' de priuileg. Eccles. ar. 14. nu. 1

Exo. 22.

Act. 23. 5. Lyra in hunc locum & Eman. Sá.

All this I ſay, not to encourage princes to returne to thoſe ſtiles, which Chriſtian humilitie hath made them diſ-accuſtome, and leaue off,

and which could not be reassum'd without much scandall, but to shew the iniquitie and peruersnesse of those men, who thinke great Titles belong to Kings, not as Kings, but as Papisticall Kings.

43 For so at a Consultation of *Iesuites* in the *Tower*, in the late Queenes time, I saw it resolued, that in a Petition to bee exhibited to her, shee might not be stiled *Sacred*. Though one of their owne Order haue obserued that attribute to bee so cheape, that it was vsuall to say, *Sancti Patres conscripti*, and *Sacratissimi Quirites*, and *Sanctissimi Milites*. And our English *Iesuites* vse to aggrauate her defection much, by that circumstance, that shee had beene Consecrated, and pontifically Anoynted, and inuested at her Coronation, and therefore was sacred.

Serarius Litaneutic. l. 2. q. 4. n. 4.

44 How great a detestation they had of her Honour, and of all Princes which professe the same Religion that shee did, appeares in no one such thing more, then in *Quirogaes expurgatorie Index*, where admitting all the reprochfull calumnies of *Eunapius* against Martyrs, whose reliques he cals *Salita Capita*, with other opprobrious contumelies, they haue onely expunged an Epistle of *Iunius* to her, in which there was no words concerning Religion, but onely a gratulation of her Peace, and of her Learning; which also they haue done in *Serranus* his Edition of *Plato*. And as

Index Expurg. Hispan. fo. 92.

Ibid. fol. 150.

as God hath continued his fauours ſhowen to her, vpon her ſucceſſour, ſo haue they their malice: For in the ſecond Tome of that worke, they haue taken away an Epiſtle Dedicatorie to his Maieſtie, that now is. *Ibid. fol. 151.*

45 And as in many of their Rules, for that Diſſection and Anatomiſing of Authours, they haue prouided that all Religion, and all prophane knowledge ſhall depend vpon their will: So haue they made a good offer, that all cariage of State buſineſſe ſhall bee open to them, by expunging all ſuch ſentences, as inſtruct or remember Princes, in that learning, which thoſe Rules cals *Rationem ſtatus*, and which (becauſe *Italians* haue beene moſt conuerſant therein) is vulgarly called *Ragion di ſtato*. For this *Ragion di ſtato*, is, as the Lawyers call it, *Ius Dominationis*; And as others call it, *Arcana Imperij*. And it pretends no farther, but to teach, by what meanes a Prince, or any Soueraigne ſtate, may beſt exerciſe that power which is in them, and giue leaſt offence to the Subiects, and yet preſerue the right and dignitie of that power. *Inſtruct. circa. lib. corrig. §. 10.*

46 For it is impoſsible, that any Prince ſhould proceede in all cauſes & occurrences, by a downright Execution of his Lawes: And he ſhall certainely be fruſtrated of many iuſt and lawfull ends, if he diſcouer the way by which he goes to them. And therefore theſe diſguiſings, and auer-

ting of others from discerning them, are so necessarie, that though, *In Genere rei*, they seeme to be within the compasse of deceite and falshood, yet the end, which is, maintenance of lawfull Authoritie, for the publike good, iustifies them so well, that the Lawyers abhorre not to giue them the same definition (with that Addition of publike good) which they doe to deceit it selfe. For they define *Ragion di stato* to be, *Cum aliud agitur, aliud simulatur, bono publico.*

Soto de teg. secret. memb. 3. q. 3 Ad tertium.

47 And the Romane Authors doe not only teach, that deceit is not *Intrinsecè malum*, but vpon that ground and foundation, they build Equiuocation, which is like a Tower of *Babel*, both because thereby they get aboue all earthly Magistracie, and because therein no men can vnderstand one another. Nor can there be a better example giuen of the vse of this *Ragion di stato*, then their forbidding it: Because nothing conduces more to the aduancing of their strength, then that Princes should not know, or not vse their owne, or proceede by any wayes remou'd from their discernings. Indeed those bookes of Expurgation, are nothing else but *Ragion di stato*: That is, a disguised and dissembled way, of preferring their double Monarchie. And they that fordid Princes the lawfull vse of these *Arcana Imperij*, practise for their owne ends, euen *Flagitia Imperij*, which are the same things, when they exceede

their

their true endes (which are iuſt authority, and the publique good) or their lawfull waies to thoſe ends, which ſhould euer be within the compaſſe of vertue, and religion.

48 Of which ſort are all thoſe enormous diſpenſations from Rome, which no interpretation nor pretence can iuſtifie: as (to omit ſome ſacrilegious and too immodeſt licenſes) that of *Gregory* the third is one, who writ to *Boniface* his Legate in *Germany, that they, whoſe wiues being ouertaken with any infirmity, would not reddere Debitum, might marry other wiues*: which *Binius* hath wiſely left out. Carranza Sum. Concil. fo. 353.

49 But they are in theſe expurgations iniurious alſo to the memorie of dead princes: for they will not admit our k. *Edward* the ſixt, to be ſaid to be *Admirandæ indolis*, nor the Duke of [b] *Wittenberg præclarus*. They will not allow [c] *Vlrichus Huttenus* to be called *A learned Knight*: no, [d] neither him, nor *Oebanus Heſſus* to be ſo much as *good poets*: But with the ſame circumſpection, that the [e] *Belgique Index* could add to *Borrhæus* writing vppon *Ariſtotles* politiques, in this ſentence, *Religionis curaſemper pertinuit ad principes*, this clauſe, *& Sacerdotem*; the [f] *Spaniſh Index* dooth mutilate *Velcurio* vpon *Liuy*, and from this ſentence (*the fift age was decrepite vnder the Popes and Emperours*) takes out the Popes, and leaues the Emperours obnoxious to the whole imputation. And as with extreame

[a] *Hiſpanic. Ind. fo.* 148.
[b] *Ibidem.*
[c] *Idem fo.* 93.
[d] *Id. fo.* 148.
[e] *Ind. Belg. fo.* 146.
[f] *Ind. Hiſp. fo.* 158.

treame curious malignity, they haue watched that none of our side be celebrated, so haue they spied some inuisible dangers, which the Popes honor might incurre: and therfore as the[g] *Spanish Copie*, hath before *Luthers* name expunged the letter *D*, least it might intimate *Doctor*, or *Diuus*; so the[h] *Duch Copie*, hauing found nothing to quarrel at in *Schonerus* the Mathematician, expunges in many places a great *D.* at beginning of Diuisions, because in it (as ordinarily those great initiall letters, haue some figure) there is imprinted the popes head, and by it the diuell, presenting him a Bull.

[g] *Fol.* 93.

[h] *Fo.* 154.

50 But this inhumanity of theirs hath not deterr'd *Thuanus* from his ingenuity, in giuing to all those learned men, whom he hath occasion to mention, the attributes and epithetes due to their vertues, though they be of a diuers perswasion in Religion from himselfe: But those other men, who in a proude humility will say *brother Thiefe*, and *brother Wolfe*, and *brother Asse*, (as Saint *Francis* (perchance not vn-prophetically) is said to haue done) will admit no fraternity nor fellowshippe with Princes.

Sedulius Apol. pro lib. Conform l.1. c.12. & l.3. c.28

51 And though the *Iesuites* by the aduantage of their fourth Supernumerary vow, of sustaining the Papacy, by obeying the Popes will, seeme to haue gone further herein then the rest, yet the last Order erected by *Philip Nerius*, which was saide

Congregatio Oratory.

to

to haue beene purposed to eneruate the Iesuites; and by a continual preaching the liues of Saints, and the Ecclesiastique story, to counterpoise with deuotion, the Iesuites secular and actiue learning, though they set out late, haue æmulously endeuoured to ouertake the *Iesuites* themselues in this doctrine of auiling Princes: For *Bozius* hath made all Princes Tributary or Feudatary to the Pope, if not of worse condition. And *Gallonius* seemes to haue vndertaken the History of the persecutions in the Primitiue Church, onely to haue occasion by comparison thereof, to defame and reproach the lawes, and Gouernement of our late Queene.

Bozius

Gallonius de Cruciat. Martyrum.

52 But *Baronius* more then any other exceeds in this point, for obeying his owne scope and first purpose to aduance the Sea of Rome, he spares not the most obedient childe of that mother, the Catholique King of *Spaine*: for, speaking of the Title which that King hath to the Kingdome of *Sicily*, he imputes thus much to *Charles* the fift, that *being possessed with employments of the fielde, hee gaue way to an Edict, by which, Grande piaculum perpetratur against the Apostolique authority and al Ecclesiastique lawes were vterly dissipated*: And that *hee ioyned together temporall and spirituall iurisdiction, and pretended a power to excommunicate and to absolue euen Cardinals, and the Popes Nuncioes, and so*, saies he, *hath raised another Head of the Church, pro monstro, & o-*

Baron. Annal. To. 11. Ann. 1097. n. 18

Nu 28

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Stento. He addes with extreame intemperance, that this claime to that Kingdome *was buried a while, but reuiued againe by Tyrannicall force, by violent graſſation, and by the robbery of Princes, who commaunded that to be obeyed as reaſonable, which they had extorted by Tyranny.* And leaſt hee ſhould not ſeeme to extend his bitternes to the preſent time, he ſaies, *thoſe Princes which hold Sicily by the ſame reaſons, doe imitate thoſe tyrants.* And ſo he imputes vpon all the later kings of Spaine, as much vſupation of Eccleſiaſtique Iuriſdiction, and as monſtrous a Title of head of the Church, as euer their malice degorged vppon our king *Henrie* the eight.

Nu. 87.

Nu. 88.

53 And though in ſome paſſages of that hiſtory, he hath left ſome wayes to eſcape, by laying thoſe imputations rather vpon the kings officers then vpon the king, yet that Cardinall who hath cenſured that part of his worke, eſpies his workemanſhippe and arte of deceiuing, and therefore tels him, *that he hath inuayd againſt Monarchy it ſelfe, and all defenders thereof*; and that *as many, and as great things might be ſpoken againſt him*. Nor doth *Baronius* repent that, which hee hath ſpoken of thoſe kings, but in his anſwere to this Cardinall, he ſaies, *that if the King were impeccable, if he were an Angell, if he were God himſelfe, yet he is ſubiect to iuſt reproofe.* And in his Epiſtle to *Phil.* 3. in excuſe of himſelfe, though hee ſeeme to ſpare the preſent king,

Card. Colum. fo. 158. paris.

Nu. 19.

king, yet it is (as he professes) because he hopes that he will relinquish that Iurisdiction in *Sicily*, els he is subiect to all those reproofs & reproches, which *Baro.* hath laid vpon his father and Grandfather.

54 And though this were a great excesse in *Baronius*, to lay such aspersions vpon those Princes, yet his malice appeares to bee more generall; for the reason why he makes this pretence so intolle- *Nu.28.*
rable, is, *because thereby* (saies he) *that King becomes a Monarch; and there can be no other Monarch in the* *Nu.31.*
world, then the Pope; and therefore that name must be cutte off, least by this example it should propagate, and a whole wood of monarchs should grow vp, to the perpetuall infamy of the Primacy of the Church. And so this care of his, that no Monarches be admitted, implies his confession, that they which are Monarches haue right in their Dominions, to all that which those kings claime in Sicily, which is as much as our kings exercise in England, (if *Baronius* do not exceede in his imputation.)

55 But because there is nothing more tender then honour, which as God will giue to none from himselfe, being a iealous God, so neither ought this *Vicegerents* to doe; it shall not be an vnseasonable and impertinent, at most, an excuseable and pardonable diuersion, to obserue onely by such impressions, as remaine in the letters betweene the Emperours and Popes, at what times, and vpon what occasions the Clergie of that Sea

insulted vpon secular Magistacy; and by what either dilatory circumuentions, or violent irruptions, they are arriued to this enormous contempt of Principality, as of a subordinate instrument of theirs.

56 Before they had much to doe with Emperours, (for they were a long time religiously, and victoriously exercised with suffering) we may obserue in *Cyprians* time, that he durst speake brotherly and fellowly to that Sea, and intimate the resolutions of his Church to that, without asking approbation and strength from thence: for to Pope *Stephen*, he writes, *Stephano fratri*; and then *Nos qui gubernandæ Ecclesiæ libram tenemus*: and after, *Hoc facere te oportet*: with many like impressions of equality: But in *Firmilianus* his Epistle to *Cyprian*, written in oppositon to *Stephanus* his Epistle; who was growne into some bitternesse against *Cyprian*, there appeares more liberty: for thus he saies; *Though by the inhumanity of Stephen, we haue the better tryall of Cyprians wisedome, we are no more beholden to him for that, then we are to Iudas for our saluation.* He addes after, *That that Church doth in vaine pretend the authority of the Apostles: since in many sacraments Diuinæ rei, it differs from the beginning, and from the Church of Hierusalem, and defames Peter and Paul as Authors thereof.* And therefore (saies he) *I doe iustly disdaine the open and manifest foolishnesse of Stephen, by whom the truth of the Christi-*

Circa.240.

Cypr. Epist. 1. ad Steph.

Binius To. 1. fo. 191.

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an Rocke is aboliſhed. So roundly and conſtantly were their firſt attempts and intruſions reſiſted, and this not onely by this Aduocate of *Cyprian*, but euen by himſelfe alſo, in as ſharpe words as theſe, in his Epiſtle to *Pompeius*.

57 And for their behauiour to the Emperors, as long as *Zeale* and *Pouertie* reſtrain'd them, it cannot be doubted, but that they were reſpectiue enough. The preambulatorie Letters before the Councell of *Chalcedon*, teſtifie it well: Where the Letters of the Emperours, yea, of their Wiues, are accepted by the name of *Diuales*, and *Sacræ literæ*, and *Diuinæ ſyllabæ*. And about the ſame time, *Leo* the Pope writing to *Leo* the Emperour, he ſayes; *Hanc Paginam neceſſariæ ſupplicationis adieci*; And in the next Epiſtle but one, *Literas Clementiæ tuæ veneranter accepi, quibus cuperem obedire.* So alſo *Felix* the third, to *Zeno* the Emperour, cals himſelfe *Famulum veſtrum*, and ſuch demiſsions as theſe; *Liceat, venerabilis Imperator, exponere*; And, *Per mei Ordinis paruitatem audias*, are frequent in him. And in *Iuſtinians* time, which was preſently after, that Church ſenſible of the vſe and neede, which it had of his fauour, ſo hee would be content to extend to their benefit, preſcription, which before was limited in thirtie yeares, to a hundred, neuer grudged at the phraſe and language of his Law, by which he affoorded the Church that priuiledge, though it were very high;

Anno 451.

Binius To. 2. in Princip.

Epiſt 73. Anno 457.

Epiſt. 2. Circa 527.

Anno 530.

Autent. Coll. 2. præfatio Iuſtiniani.

high; *Being willing to illustrate Rome,* Lege speciali nostri Numinis, *That that Church may eternally by this, remember the prouidence of our Gouernement, we graunt, &c.*

58 And *Gregorie* the first was, out of his wisedome at least, if not Deuotion, as temperate as the rest, when he writ to the Emperour *Maurice*, to sweeten and modifie that Law, which forbad some persons to enter into Monasteries; For there he cals himselfe *Famulum*, and *Seruum*: And addes this, *Whiles I speake thus with my Lords, What am I, but dust and wormes?* And though *Binius* is loth to pardon him this duetifulnesse, and respect to his Princes, and therefore sayes, *That he protested in the begining of that Letter, that hee spoke not as a Bishop,* but *iure priuato*, And so out of *Baronius*, he sayes, *That he plaide another part, as vpon a stage*: Yet, if he wore this maske and disguise cleane through the Epistle, then he spoke personately, and dissemblingly, as well with Christ, as with the Emperour, when he sayes: *I, the meanest of Christs seruants and yours.* Nor do I thinke that *Binius* or *Baronius* would say, that he spoke personately of the Execution of the Emperours Law, but that hee had truely done as he said: *I haue done all which I ought to doe; for I haue both performed my obedience to the Emperor, and I haue vttered that which I thought fit concerning God.* And he was wisely careful that his Letter to the Emperour, concerning his opinion of

L.2.Epist.62.

To.2.fo.770.B.

An.593.n.17.

of the iniquitie of that Law, ſhould not come to the Emperours inopportunely, nor as from a perſon of equall ranke to him; and therefore he forbids his own *Reſponſall* (for the dignitie of a *Nuncio*, was not yet in vſe) to deliuer it, but ſends it to the Emperours Phiſitian, becauſe ſaith he, *Veſtra Gloria, may ſecretly, at ſome conueniet time, offer him this ſuggeſtion*; And that this Phiſitian might be confident in this employment, he aſſures him of his affection and Allegeance to his Prince, by this Confeſsion, *God hath appointed the Emperour to rule, not onely Souldiours* (which were the perſons forbid in that Law) *but alſo Prieſts* (whoſe priuileges ſeem'd to be impayr'd thereby.) *L.2.Epiſt.65. Theodo.Medico.*

59 With like reſpect doth one of his ſucceſſors *Vitalian*, write to *Vaanus*, who was *Cubicularius, et Chartularius Imperialis*, to mediate & prouide, that a Biſhoppe vniuſtly depoſed, might be reſtored. And to him the Pope affoords this ſtile, *Celſitudo veſtra*, and addreſſes the depos'd Biſhop, *Ad veſtra ambulaturum veſtigia*, and promiſes that they both ſhall all the daies of their liues, pray to God for the proſperity, and long-liuing *Suæ excellentiſſimæ Charitatis.* *Epiſt.2. An.D.655.*

60 And in all this courſe of time, the Popes, ſome out of a iuſt contemplation of their duety, ſome out of the neede, which they had of the Emperours, from whom they receiued daily ſome additions to their immunities and exemptions,

were agreeable and appliable enough to them. And when *Italy* ſuffered a dereliction, by the abſence of the Emperours in the Eaſt, and thereby was proſtituted and expoſed to barbarous Inuaders, the Biſhoppes of this Citie, which was the faireſt marke to inuite the *Lumbards* and the reſt, ſolicited thoſe Eaſterne Emperours to their ſuccour, with all ſweetneſſe and humility; but at laſt, deſperate of ſuch reliefe, caſting their eyes vpon the mightieſt kingdome of the Weſt, they inuited the French to their ſuccour.

Epiſt.2. 61 And at this time came from them thoſe lamentable ſupplications, which *Stephen* the third ſent to *Pipin* and *Carloman:* In the firſt whereof, he vrges them with their promiſe of certaine lands, by them vowed to the Church: And hauing called them, *Dominos excellentiſſimos*, and *ſpiritualem Compatrem*, and prepared them with wordes of much ſweeteneſſe, *Melliſluam bonitatem*, *Melliſluos obtutus*, and ſuch, hee comes to the point: *That which you haue offered to Peter by promiſe, you ought to deliuer him in profeſſion, leaſt when the Porter of heauen, the Prince of the Apoſtles, at the daie of iudgement ſhall ſhew your hand-writing, you be put to make a more ſtrict account with him.* So therefore he felt and lamented their ſlackenes in endowing the Church; yet at that time he would not vndertake to be the Iudge, nor make the *Camera Apoſtolica* the Court; but he referres it to Saint *Peter*, and to the laſt day,

day, and onely remembers them, That *Dominus per meam humilitatem, mediante B. Petro, vos vnxit in reges.*

62 The next letter written in the person of the Pope, and all the Romane people, and Romane armie, *et omnium in afflictione positorum*, is an earnest and violent coniuration; *per Deum viuum vos coniuro, Saue vs, most Christian Princes before we perish; the soules of all the Romans hang vpon you, and so forth.* And when all this did not effectually stirre them to come, as the letter solicited, *Cum nimia festinatione*; then came a third letter in the name and person of Saint *Peter* himselfe, in this stile: *I Peter the Apostle, and by me all the Catholique Romane Church, Head of all the Churches of God, vobis viris excellentissimis. I Peter, exhort you, my adopted Sonnes, to defend that house, where I rest in my flesh: and with me Marie, with great Obligations, Aduises, and Protests, and so forth.* And *whatsoeuer you shall aske of me, I will giue you. If you doe not performe this, know ye, that by the authoritie of the Apostleshippe giuen me by Christ, you are alienated from the Kingdome of God, and from life euerlasting.* *Epist.4.*

63 And when *Stephen* the fourth came to that Sea, and that the sonnes of these Princes beganne to incline to ally themselues by marriage with the *Lombards*; the Pope seeing then his whole temporal fortune at the stake, neglects no way of withdrawing them, from that inclination: hee saies

saies therefore, Saint *Peter, by our vnhappines, beseecheth your Excellence:* and then, *vouchsafe to bend your eares, inspired by God, to our Petition, and to him whom we haue sent, ad Regale vestrum Culmen.* And then, in an inconstant distemper, he threatens, and he promises in S^t. *Peters* name, as bitterly, and as liberally, as his predecessor had bid S. *Peter* himselfe to doe, in the former Epistle.

Epist. Steph. 4. ad Carol. et Carlom. An. 831

64 And when these Princes after much entreaty, had deliuered Italy from the infestation of the Lombards, and deuided the profite and spoile with the Church, and that that Sea had recouered some breath and heart, then their Bishopps began to reprehend with some bitternesse, the Easterne Emperours: And then came that notorious letter of *Nicholas* to *Michael* the Emperour; In which though he stile him, *Superatorem Gentium, piissimum filium, Dulcissimum, Tranquillissimum* (for as yet hee doubted that he might be necessary to him) yet he cals him also *Golias*, and himselfe *Hymniaicum Dauidem.* And part of the quarrell was, because the Emperour had written *Insolentia quædam*, certaine vnusuall phrases: which were, *Iussimus, vt quosdam ad nos mitteretis*: for, saies *Nicholas*, *Honorius* said to *Boniface, Petimus; and other Emperours, Inuitamus, and Rogamus, and Constantine and Irene, Rogamus, magis quidem Dominus Deus rogat:* which phrase, though *Charles* the great, at that time, when it was written, reprehended, and allowed

Nichol. epist. circa. 874.

Ii 1. c. 4.

allowed a whole Chapter in his booke for the reproofe thereof, yet not onely that Pope dissembled it, but this drawes it into example and precedent.

65 And in this letter the Pope giues the Emperour some light, that hee is not long to enioy the stile of Romane Emperour; for he hauing despised the Romane tongue as Barbarous, (as euery Prince loues to be saluted in his owne, or in an equall language) the Pope replies: *That if hee call the Romane tongue barbarous, because hee vnderstands it not, it is a ridiculous thing, to call himselfe Romane Emperour.*

66 And thus hauing at once receiued and recompensed a benefite, by concurring in the aduancement of the French to the Empire, they kept good hold vpon that Kingdome, by continuall correspondencies, and by interceding with those Kings, for pardons and fauours, when any delinquents fled ouer to them, and by aduising them in all emergent causes, and by doing them many seruices in *Italy*, and so establishing the Empire in that family, vpon good conditions to them both. For so *Iohn* the eight writes to *Charles*, as well to refresh his benefit in his memorie, as the reasons that moued him to conferre it. *Well knowes your Kingly Highnesse, that I was desirous a long time, for the profit and exaltation of the Apostolicke Sea, to bring you* Ad Culmen Imperij. *And as* Epist.216.

we with all our endeuour, haue desired to giue perfection to your Honour and glorie, you also must performe those things, which are profitable to the vtilitie and exaltation of that Seate. And there he addes, That *for Conference about that, he came to meete him at Rauenna, leauing his owne Church in the cruell hands of enemies.* And in the next Epistle, he sends to the same purpose his Nephew *Farulfus, Delicioſum consiliarium noſtrum*; Because, sayes he in another place, *We desire greedily to accomplish this.* And yet at this very time, for his better indemnitie, hee practis'd with the *Esterne* Emperour, and kept faire quarter with him also, as appeares by his Letter to him.

Epist.217.

Epist.230.

Epist.251.

67 Hauing thus establish'd a stronger reputation, and laide earnest Obligations vpon *France*, and by example and authoritie thereof, in other places also, they beganne to feele their strength, and to draw their swords as farre as they would goe, which was to excommunication, euen in France it selfe.

68 But because in the excommunications issuing in these times, and in the times betweene this, and *Gregory* the seuenth, and perchance in some before this time, there is found often mention of punishment after excommunication which hath occasioned some to erre in an opinion, that besides spirituall censures, temporall penalties were also inflicted vpon priuate persons, and

and consequently eradication vpon Princes, we will arrest, and stay a little vppon the stile and phrase of some of those excommunications, by which it wil appeare, that they intended nothing but spirituall punishment.

69 The first which I haue obserued, is a letter of *Innocent* the first, to *Arcadius* the Emperour, whom he thought guilty of the electing & of the death of *Chrysostome*: His words are; *Ego minimus & peccator, segrego te a perceptione mysteriorum Christi.* This then went no farther then to depriue him of spirituall foode, and the Pope (if that Epistle be genuine) was very hasty in it; for the Emperour discharged himselfe presently, by pleading ignorance of the fact; which that Bishoppe ought to haue tried, before hee had proceeded to excommunication. *Chrysostome* himselfe, whose quarrell it was, had taught sufficiently the limits of that iurisdiction; for he said, *When the Priest had reprehended Ozias, De spreto Sacerdotio, he could doe no more; for it is his part onely to reprooue, and to perswade, not to stirre warre*: and he addes, *that God himselfe* (to whom onely it belongs to punish so) *inflicted a leprosie vpon the King, in which* (saies he) *we see Humanitatem Diuinæ ultionis, who sent not lightning, nor shaked the earth, nor moued the Heauens*: So farre was *Chrysostome* from counsayling any such punishment, as should be accompanied with tumult.

Epist. 30.

De verb. Esaiæ. Hom. 4 To. 1. fo. 207.

70 And to a iuſt eſtimation, and true vnderſtanding of their liberties, in Eccleſiaſtique cauſes, were the Fathers in the Councell at *Epheſus* arriued, when in that *Synodicall* Letter to the Emperour, which they call, *Libellum ſupplicem*, they make this proteſtation, *The ſcope of our profeſſion prouides, that we be obedient to all Princes and Potentates, as long as that obedience brings no detriment to our Soules health; but if it come to that, we muſt dare to vſe our libertie, Aduerſus Regium faſtigium.* And how farre, may this courage and libertie carie vs, if the Prince command any thing in detriment of our ſoule? As farre, as thoſe Fathers durſt aduenture vpon that ground, which they expreſſed thus to the Emperour, *If you approue the baniſhment of Cyrill and Memnon, which were baniſhed by perſons Excommunicate, then know you, that we are ready, with that alacritie which becomes Chriſtians, to vndergoe any danger with them, that is*, to ſuffer as they doe.

Binius To. 1. fol. 803.

71 But about this time of *Iohn* 8. it was very frequent, that Excommunications had a farther comminatorie clauſe. For ſo, againſt a *Baſtard of Lotharius*, who had broke an Oath made to a French King, he ſayes, *VVe depriue him of all Chriſtian Comunion, and if he perſeuer, let him know, that Anathematis vinculis innodabitur.* So to an *Earle* and his *Lady*, which had ſeduced a Nunne from her profeſsion, he ſayes, *We ſeperate them from the body*

Epiſt. 123.

Epiſt. 165. Ludouico.

body and blood, and all fellowſhip with Chriſtians, and if they neglect to reſtore her, Anathemate innodamus. So in the next Epiſtle he threatens a *Biſhop*, that refus'd to come to him, *Know that you are to be Excommunicate, and if you perſeuer, A Communione alienandus.* And againſt another *Biſhop*, and his whole charge he pronounces *Priuation from the Communion, ſeperation from the Church, and except they conuert, Maioris damnationis ſententiam*, and with ſuch as theſe, his time abounds. *Epiſt.166. Vbiberio.*

72 And his predeceſſour *Adrian* the ſecond, had gone thus farre towards the King of *France*, when hee attempted to inuade his Brothers Dominion, *VVe admoniſh you, by our Apoſtolique Authoritie, and by all ſpirituall meanes, which we may vſe, we perſwade you, and in a Fatherly affection command you to forbeare; elſe, we will performe that which belongs to out Miniſterie.* But in another letter to his Nobles, he threatens them, That if they aide the Father to warre againſt the Sonne, who was then in his diſpleaſure, *They ſhall not onely be enwrapp'd in the bands of Excõmunication, but caſt into hell, Vinculis Anathematis.* And this *Iohn* the eight, at the ſame time when he alowes him all due attributes, & deſires him *to incline his ſacred eares to him*, threatens *Charles* himſelf, that if he reſtore not certain things, taken from a Nunnerie, by a certaine day, *He ſhould bee Excommunicate till reſtitution, and if, being thus lightly touched, he repented not, Durioribus verberibus erudiendus erat.* *Epiſt.18.* *Epiſt.24.* *Epiſt.28.* *Epiſt.42.*

73 So that whether this farther punishment were no other, then that which is now called *excommunicatio Maior*, or that which is called in the Canons *Anathema maranatha*, the denouncing of which, and the absoluing from it, was acted with many formalities, and solemnities, and had many ingredients, of burning tapers, and diuers others, to which none could be subiected without the knowledge of the Arch-Bishoppe, it appeares that it now here extends to temporall punishment, or forfaitures and confiscations.

21.q.3. *cum aliquis.*

11.q.3. *Nemo.*

74 Of which there appeares to me no euidence, no discernable impression, no iust suspition, till *Gregory* the seuenths time: And then, as it may well be said of *Phalaris* his letters, that they were al *writ for execution*, and of *Brutus* his letters, that they were all *Priuy Seales* for money: so may wee say of *Gregories* iudging, by the frequency thereof, that they were all cholerique excommunications; and that with *Postscripts* worse then the body of the letter; which were Confiscations, neuer found in his predecessors, which should haue beene his precedents.

Anno 1063.

75 And for this large and new addition of *Eradication*, hee first threatned it to the French King, and then practised it effectually vpon the *Emperour*. To the Bishoppes of France he writes, *That their King Philip is not to be called King, but a Tyrant, which by perswasion of the Diuel is become the cause*

L.2.Ep.5.

cauſe and the head of all miſchiefe: Therefore (ſaies he) *all you muſt endeauour to box him.* (And thus farre his Paſtorall care might binde him) *And to ſhew him, that he cannot eſcape the ſword of Apoſtolique animaduerſion* (and thus farre his iealouſie of his ſpiritual Primacy might excuſe him.) But when he adds; *Depart from communion with him, and obedience to him, forbid Diuine Seruice throughout all France, and if he repent not, we will attempt to take the Kingdome from his poſſeſsion*: they are wordes of *Babel*, which no man at that time vnderſtood: yet he writes in the ſame tenour to the *Earle of Poicton, That if the king perſeuere, both he and all which giue any obedience to him, ſhall be ſequeſtred from the communion of the Church, by a Councell to be held at Rome.* So aſſuredly, and confidently could hee pronounce before hand of a future determination in a Councell there. *Li.2.Ep.18.*

76 And of his owne ſeuerity, vſed towards the Emperour, whom vpon ſeuere penances hee had reſumed into the Church, he bluſhes not to make an Hiſtorical Narration, to the Biſhops and Princes of Germany, thus: *He ſtood three daies before the gate, deſpoiled of all Kingly ornaments, miſerable and barefoote; till all men wondred at the vnaccuſtomed hardneſſe of our minds. And ſome cryed out, that this was not the grauity of Apoſtolique ſeuerity, but almoſt the cruelty of Tyrannique ſauageneſſe.*

77 And when *Rodulphus* whom he had ſet vp *Li.4.Ep.12.*

Lib.9.Ep.3. vp against the Emperour, was dead, seeing now, as himselfe confesses, *almost all the Italians* enclin'd to admit the Emperour *Henry*, euen they whom he trusted most (for so he saies, *Pene omnes nostri*
Li.9.Ep.28. *fideles*) he protesteth that *Rodolphus* was made without his consent, *Ab vltramontanis*, and that he went to depose him, and to call those Bishops to account which adhered to him: And then he
L.9.Ep.3. writes to certaine Prelates, *to slacken the Election of a new Emperour*, and giues instruction what kind of person hee would haue to bee elected; *One which should be obedient, humbly deuout, and profitable to the Church: and that would take an oath to doe any thing which the Pope would commaund him, in these words: Per veram obedientiam*; *and that hee would be made a Knight of Saint Peter, and of the Pope.*

78 But although many watchfull and curious men of our Church, and many ingenious of the Romane, haue obserued many enormous vsurpations, and odious intemperances in this tempestuous Pope *Gregory* the seuenth, and amongst them, almost anatomiz'd euery limme of his Story; yet it may bee lawfull for mee, to draw into obseruation, and short discourse, two points thereof, perchance not altogether for their vnworthines, pretermitted by others: Of which the first shall be the forme of the excommunication against *Henry*, because by that it will appeare what authority hee claimed ouer Princes: And the

the other shall be his letter to a *Bishop*, who desired to draw from him, some reasons by which he might defend that which the Pope had done; because by that it will appeare, vpon what foundations he grounded this pretence and authority.

79 The excõmunication is thus deliuered; *Contradico ei, I denie him the gouernment of al the kingdom of Germany, & of Italy: and I absolue all Christians frõ the band of the oth, which they haue made to him, or shall make: and I forbid any man to serue him as his king: for it is fit, that he which endeuors to diminish the honor of the Church should loose his owne honour. And because he hath contemned to obey as a Christian, participating with excommunicated persons, and despising my admonitions, and seperating himselfe from the Church, I tie him, in vinculo Anathematis.* Biniu. To. 3. fo. 1282. A.

By which we see, that he beginnes with *Confiscation*: And because it had neuer beene heard, that the Popes authority extended beyond *Excommunication*, therefore hee makes Deposition a lesse punishment then that, and naturally to precede it: for he makes this to bee reason enough, why he should forfait his dignity, *because he attempted to diminish the Dignity of the Church*: But for his *Disobedience* to the Church and him, he inflicts *Excommunication* as the greater, and greatest punishment which he could lay vpon him. And it is of dangerous consequence, if *Excommunication* be of so high a nature, and of so vast an extent,

that whereſoeuer it is iuſtly inflicted, that preſuppoſes *Confiſcation* and *Depoſition*.

80 And another dangerous preiudice to the ſafetie of all Princes, ariſeth out of this precedent, which is, that hee abſolues the Subiects of all Oathes of Alleageance, which they *ſhall* make after that Denunciation: For if his ſucceſſor that now gouernes, ſhall be pleaſed to doe the ſame in *England* at this time, and ſo giue his partie here ſuch leaue to take the *Oath of Alleageance*; doth he not thereby vtterly fruſtrate and annihilate all that, which the indulgence of a mercifull Prince, and the watchfulneſſe of a diligent Parliament, haue done for the Princes ſafety, and for diſtinction betweene trayterous and obedient ſubiects? Yet both this *Depoſition*, and this *Abſolution* of ſubiects and this *Interdiction* were all heaped, and amaſs'd vpon a Catholique Prince, before the *excommunication* it ſelfe, or any other fault intimated the *diminiſhing of the honour of that Church, and participating with excommunicated perſons.*

Li. 8. Ep. 21. Epiſco. Metenti

81 And now we may diſcend to the furuay of that letter, which he writes to a Biſhoppe, who deſired to haue ſomething written by him, whereby he might be help'd and arm'd againſt ſuch as denyed that by the authority of that Sea, he could excommunicate that Prince, or abſolue his ſubiects. Firſt therefore he ſaies, That there are manie, and moſt certaine Documents in the Scriptures,

tures to that purpose, of which hee cites, those which are ordinarily offered, as *Tues Petrus*, and *Tibi dabo Claues*, and *Quodcunqe ligaueris*: and then he askes, *Whether Kings be excepted?* But, Kings are not excepted; but this proceeding against Kings is excepted: That is, it is not included in that Commission, as hath beene enough and enough proued by many.

82. Then followes that testimony of *Gelasius* a Pope, *That Priest-hood is aboue Principality; and that the Bishoppe of Rome is the chiefe Priest.* If wee allow both *Testem, & Testimonium*, yet the cause is safe; he may be aboue all, in some functions, yet not in *temporall.*

83. His next authority is *Iulius*, another Pope, who expounding the wordes, *Tibi dabo Claues*, to certaine Easterne Bishoppes, saies, *Shall not he that opens heauen, iudge of the earth?* But this dooth as much destroy all *Iudicature* and all *Magistracy*, as iustifie the deposing of Kings.

84. After this, he cites (though not as *Gregories* words are) a priuiledge graunted by *Gregory* the first, to a Monasterie and *depriuation* from secular dignity, and *excommunications* to any that infringe that priuiledge. And this priuiledge *Bellarmine* also produces, to proue the Popes soueraignty in temporall matters. It is the priuiledge of the Monastery of S. *Medard*, which is in *Gregories* Epistle: and it is cyted by this other *Gregory*, it makes

De Pontif l. 5. c. 7. §. Quartum

L. 2 post. Ep 38.

depoſition the leſſer puniſhment, and to precede *excommunication*, for he ſaves; *That Gregory though a milde Doctor. did not onely depoſe, but excommunicate the tranſgreſſors*: But both this Pope that cytes it, deceiues vs, by putting in the word *Decreuit*, as though this had the ſolemnities of a Popes *Decree*, which preſumes an *infallibility*, and *Bellarmine* deceiues vs, by mutilating the ſentence, and ending at that word *Honore priuetur*: for he that reads the whole ſentence, ſhall ſee, that all this Decree of *Depoſition* and *Excommunication*, was no more then a *comminatory imprecation*, to teſtifie earneſtly the Founders affection to haue thoſe priuiledges obſerued, and deterre men from violating thereof; as the vehemence and inſolent phraſe of the *Inſtrument* do intimate, by a bitternes vnvſuall in medicinall excommunications: *For all the curſes due to Heretiques*; and *all the torments which Iudas endures* are imprecated vpon him; & it is ſubſcribed not only by *Gregory*, with 30. *Biſhops*, but by a *King* and a *Queene*, no competent Iudges (in this *Gregories* opiniõ) of faults puniſhable by *excõmunication*.

Li. 11. Ep. 10. 85 And the ſame Pope in erecting of an Hoſpitall, and endowing it with ſome immunities, vſes the ſame language, that *the infringers thereof, ſhould looſe all their power, and honour, and dignity, and after be excõmunicate*; and yet this is neuer produced, nor vnderſtood to confirme his *temporall ſoueraignty*.

Diſt. 96. Conſtantinus. 86 The *Donation of Conſtantine*, which was not much

much leſſe then 300. yeare before this, end in like words: *If any man violate this Donation, let him be eternally condemned, let him finde Peter and Paul in this life, and in the next his enemies, and let him periſh with the Diuell and al the reprobate, burning in Inferno inferiore.* And will they from this argue in *Conſtantine* a power, to open and ſhut hel gates? And will they endanger al thoſe Catholique authors to this eternall damnation, which haue violated this *Donation* of *Conſtantine* by publique bookes?

87 And ſuch a *Commination* as this of *Gregory* appeares in a *Canon* of the firſt Councell at *Paris*, not long before his, where it is threatned, *that whoſoeuer ſhall receiue a perſon ſuſpended from the Communion, himſelf ſhal be ſeperated A concordia fratrum, and (as we hope, or truſt) ſhall ſuſtaine the wrath of the eternall Iudge for euer.* And (not to inſiſt long vpon examples of ſuch imprecations) about 160 yeare after *Gregory*, *Paulus* I. erecting a Monaſtery in his owne houſe, makes this Conſtitution; *If any of the Popes, our ſucceſſors, or any mighty or Inferiour perſon, of what dignity ſoeuer, alien any of theſe things, let him know, that he is anathematiz'd by Chriſt and Peter, and eſtranged from the Kingdome of God: and that he ſhall giue an account thereof to the Saints, in the day of iudgement: For (ſayeth hee) I deſire the Iudge himſelfe, that hee will caſt vppon them the wrath of his power, that their life may bee laborious and mournefull, and they may die conſuming, and may bee*

An. 553. ca. 5 Summa Carranze.

Baron. Annal. To. 9. fo. 319. Anno 761.

burnt eternally with Iudas, in hell fire, in voragine chaos And that they that obserue this Constitution, may enioy all blessednes at the right hand of God.

88 And when in the behalfe of the Kings of Spaine, the same argument is made for them, that because there are many *Diplomes* extant in Sicily, by which the Kings Anathematise infringers of their Constitutions, that therefore they exercised *Spirituall Iurisdiction: Baronius* saies, *that this argument is ridiculous, because it is hard to finde any instrument of Donations from Princes, or from priuate men, or from women; in which these bitter formes of excommunication are not: Which* (saies he) *do not containe any sentence of excommunication, but Imprecations to deterre other, as euery man was at libertie to doe, when he made any such graunts.* So that *Baronius* hath laughed out of countenance this argument vpon *Medardus* priuiledge, which hath beene so often, and so solemnly offered and iterated. And it appeares hereby that the punishments mentioned in these Constitutions, were not such as the makers thereof could inflict, but onely such as they wished to fall vpon them that offended: and such I doubt not, was *Gregories* Imprecation, in his successors interpretations, that is, that hee wished all Kings to be depriued.

Vbi supra.

89 His next reason why Princes may be deposed by Priests, is the diuersity of their *Beginning* and *first Institution*: for, as before he had said to another

L. 4. Ep. 2.

ther *Bishop* of the same place, *Regall Dignity was found out and inuented by humane pride, but Priests were intituled by the Diuine pietie*, So here he repeates it with more contumely; *Who knowes not that Kings had their beginnings from those men, who being ignorant of God, and prouoked by the prince of the world the Diuell, through Pride, Rapine, Perfidiousnesse, Murder, and all wic kednesse, affected a gouernment ouer their equalls, by a blind Ambition, and intolerable presumption.*

90 Then he proceeds to the examples, of *Innocent* who excomunicated *Arcadius*, and of *Zachary* who deposed *Childerique*. The first of which is not to the purpose, Except *Excommunication* presume *Deposing* which *Innocent* intended not. And the second hath beene abundantly, and satisfactorily spoken to, by very many of ours, and of their owne authors, who determine it roundly, *Depositit, id est, Deponentibus consensit.* 15.9.b. *Alius. glo. ver. Depositit.*

91 And therefore insisting little vpon these, hee makes hast to that wherein he excels, which is, to reproach and debase the *State* and *Order* of Kings. For he says, *That euen Exorcists* (which is no sacred order) *are superiour to Princes.* Nor is his intemperance therefore excessiue, because hee subiects men to such as are in the way going towards Priesthood, for that will bee still vpon the old ground, that priesthood is in an incomprehensible distance and proportion aboue principalitie,

tie, but his reasons why *Exorcists* are aboue Princes, discouers more malignitie to Princes absolutely; which is, *That since they are aboue the Diuell himselfe, much more are they Superiour to those which are subiect to the deuill, and members of the deuill.* Nor could his argument haue any life or force here, except he presum'd Kings to be poysoned & corrupted by the very place, & by the order it selfe; for otherwise, if he meant it onely of vicious Kings, why should he institute this comparison of *Exorcists* and Kings, since it ought to bee of Exorcists and vicious men? And therefore (as he sayes after in this Epistle,) *That he finds in his owne experience, that the Papacie either finds good men, or makes them good, and that if they want goodnesse of their owne, they are supplied by their predecessours, and so, Aut Clari eriguntur, aut Erecti illustrantur*: So he thinkes either, that onely members of the deuill come to be Kings, or that kings grow to be such, when they are kings. For so much he intimates euen in this place, when hee sayes, *In Regall dignitie very few are saued, and from the beginning of the world til now, we find not one King equal in sanctitie to innumerable Religious men. What King hath done any miracles? To what King haue Churches or Altars beene erected? How many Kings are Saints? Whereas, onely in our Sea there are almost a hundred.*

92 And thus I thought it fit to runne ouer this Letter, because here seemes the first fire to haue

haue beene giuen, and the firſt drop of poyſon to haue beene inſtil'd of all thoſe virulencies and combuſtions, with which the later Authours in that Church, are inflam'd and ſwollen vp, in this point of auiling Princes. Of which ranke, this Pope had reſpect to none, but thoſe who were really profitable to him: Nor haue I obſerued any words of ſweeteneſſe in him towards any of them, but onely to our King the *Conquerour*, and to one King of *Spaine*. To ours he ſayes, *We account you the onely man amongſt Kings, that performes his duetie*, and this he ſayes, becauſe *he ſhould graunt more to God, and Saint Peter, and Saint Stephen, and be vigilant vpon Saint Peters eſtate in England, that he might find him a propitious debter.* And to the king of *Spaine* he ſayes, *The preſent which you ſent me, is ſo ample, and ſo magnificent, as became a King to giue, and Saint Peter to receiue; and you ſhow by your preſent, how much you eſteeme him.* L.1.Epiſt.70. L.9.epiſt.2.

93 And ſuch Princes as theſe he was loath to looſe: For he accounted that a loſſe, which now they call the onely perfection, that is, to enter into a Religious and regular Order. For this *Gregorie* chides an *Abbot* bitterly, for admitting a *Prince*, who might haue beene profitable to his ſtate, into the Cloyſter. For he ſayes: *To doe ſo, is but to ſeeke their owne eaſe; and now, not onely the Shepheards depart from the care of the Church, but the Dogges alſo*; which he ſpeakes of Princes. He tels L.6.Epiſt.17. Abbati Cluniac.

him, *That he hath done againſt the Canons, in admitting him: and that he is therein an occaſion, that a hundred thouſand perſons doe lacke their guide.* And therefore ſayes he, *Since there are ſcarce any good Princes to bee found, I am grieu'd that ſo good a Prince, is taken away from his mother*; That is from the Church, as it muſt neceſſarily be intended in this Epiſtle. So pliant and ſeruiceable to his vſes, would *Gregorie* make Regall dignitie, or elſe breake it in peeces.

Binius To.3.pa.2 fol.1196.

94 And where could our later men find better light in this miſcheiuous and darke way, then in this *Gregories Dictates*, of which, theſe are ſome, *That onely the Pope may vſe Imperiall Ornaments; That all Princes muſt kiſſe his feete: That onely his Name muſt be rehearſed in the Church; That there is no other Name in the world*, with many ſuch tranſcendencies. And accordingly he is wel ſeconded by others, which ſay, that he is *Superilluſtris; and may not be cald ſo neither, becauſe he is ſo much aboue all Dignitie, that our thought cannot extend to his Maieſtie*: And to preuent all oppoſition againſt it, *Baldus* in a choler ſayes, *That he that ſayes the contrarie, Lyes.*

Caſſane. Catal. Glor. pa.4. Conſid.7.

95 And vpon what place of Scripture may they not build this ſupremacy, and this obedience to it, after a Pope, who is heire to an *Actiue* and *Paſſiue infallibility*, and can neither deceiue nor be deceiued, hath extorted from *Samuel*, ſo long before the *Apoſtolique* Sea was eſtabliſhed, a teſtimonie,

L.4.Epiſt.2.

ny, *That not to obey the Apostolique Sea, was the sinne of Idolatrie, teste Samuele*: which he iterates againe, and againe in diuers other Epistles. 1. Reg. 15.

96 From this example, and from this libertie proceedes that malignity, wherewith the later writers wrest eucry thing to the disgrace of *Principality*. By this authority *Symancha* drawes into consequence, and vrges as a precedent to be imitated, the example of the *Scythians*, who killed their king for admitting some new rytes in diuine worshippe; *Which* (sayes *Simancha*) *was iustly done; for the Subiects of hereticall Princes are deliuered from their Iurisdiction.* And in like maner, *Schultingius* an Epitomizer of *Baronius*, finding in him out of *Strabo, that in Egypt the Priests had so much authority ouer the Kings, that sometimes by a bare message they would put one King to death, and erect another*: and repeating the same gloriously and triumphantly a second time; at last in a Marginall note hee claimes the same authority for the Pope, when he notes, and sayes thereupon, *The supreame authority of the Clergy, is proued against the Caluinists*: So that we may easily discerne, by these examples which they propose for imitation, what authority they ayme at. But *Schultingius* might also haue obserued, as a prophecy of the ruine of their vsurpation, that as soone as a learned and vnderstanding king *Ergamenes*, came amongst them, he tooke away that custome. Exchird. Ind. Tit. 21. n. 9. Schultingius. Thesaur. Antiq. Eccles. To. 1. c. 8. & 243. Diod. Sicul. Biblist. l. 4. ca. 1.

Bell.de Pont.l.2. c.2.§. Nec ualet.

97 From this libertie, *Bellarmine* also, to the danger of any Prince, differing in any point from the integrity of the Romane profession, hath pronounced, *That Heretiques are depriued of all Iurisdiction, euen before excommunication. And that therefore an Emperour cannot call a Councell, becauſe that muſt be done in Nomine Chriſti: and that Princes haue not their precedencies, as they are members of the Church, for ſo Eccleſiaſtique Miniſters are aboue them.*

Ide.de Concil.et Eccles.l.1.c.2.§ Eſſe autem.

Ide.delaicis.l.3 c.17.§ In quem

98 And this hath made a Contry-man of ours deliuer as miſcheuous doctrine, *that the power of excommunication, is got by preſcription*; And ſo ſaies another great Patron of that greatneſſe, *the Prieſts obeyed the Kings of Iſrael, but contrarily our Prieſts doe preſcribe ouer the temporall power*: And *Sayr* proceedes further, and ſaies, *that though Panormitane be of opinion, That one can preſcribe in no more then that which he hath put in practiſe, yet if hee haue ſo exerciſed any one act of Iuriſdiction* (as excõmunication is) *as that he had a will to doe all, he preſcribes in all.* And there is no doubt, but that when *Pius* the fift *excommunicated*, he had a good will to *Depoſe* alſo.

Sayr Theſaur. Caſ.Conſc.par. 1.l.1.c.6.nu.30

Stephan. De Oſculat.ped.pont ca.16.§ quare

99 From this alſo haue proceeded all thoſe enormous deiections of Princes, which they caſt and deriue vpon al *Kings*, when they ſpeake them of the Emperour: for though the later writers, are broder with the Emperour, and choſe rather to exemply in him, then in any other Soueraigne prince,

Prince; vpon this aduantage, that they can more easily proue a Supremacy ouer him, by reason of the pretended translation of the Empire, yet it is a slippery way and conueyance of that power ouer all other *Princes*; since, in common intendment and ordinary acceptation, no man can be exempt from that, to which the Emperour is subiect. And of the Emperour they say, [a] *That not onely he may be guilty of Treason to the Pope*, [b] *but if a subiect of the Pope offend the Emperour, the treason is done to the Pope.* Yea, [c] *if it be the Emperours subiect, and the iniury done to the Emperour, yet this is treason to the Pope.* So that the Emperour doth but beare his person; for in his presence hee must descend: and in [d] a *Councell his seate must be no higher, then the Popes foot-stoole, nor any State be hunge ouer his head.*

[a] *Hiero. Gigas de læsa maiest. Rubr. 4. q. 2. n. 5.*
[b] *Ibid. q. 4. n. 2.*
[c] *Ib. q. 1. n. 8.*
[d] *Ceremo. Sacr. Ca. de Concil.*

100 And from hence also hath growne that Distinction, Superstitious on one part, & Seditious on the other, of *Mediate* and *Immediate* institution of the two powers: for Ecclesiastique authority is not so *immediate* from God, that he hath appointed any such certaine *Hierarchy*, which may vpon no occasion suffer any alteration or interruption: Nor is secular authority so *mediate*, or dependant vpon men, as that it may at any time be extinguished, but must euer reside in some forme or other. And *Bellarmine* himselfe confesses, That *as Aaron was made Priest ouer the Iewes, and Peter ouer the Christian Church, immediately from God, so also*

De translat. Imp. l. 1. c. 8. in princip.

some Kings haue beene made so immediately without humane election, or any such concurrence: So that *Regal Dignity* hath had as great a dignification in this point from God, as *Sacerdotall*; and to neither hath God giuen any necessary obligation of perpetuall enduring in that certaine forme. So that, that which *Bellarmine* in another place sayes to be a *speciall obseruation*, wee acknowledge to bee so: which is, *That in the Pope are three things; His place, his person, and the vnion of them: the first is onely from Christ, the second, from those that elect him, and the third from Christ, by mediation of a humane act.*

De Pont. l. 2. c. 17. § Obseruandum.

And as wee confesse all this in the Pope, so hath he no reason to denie it to be also in kings: he addes further, That *the Cardinals are truly said, To create the Pope, and to be the cause why such a man is Pope, and why he hath that power; but yet they doe not giue him that power: as in generation, a father is a cause of the vnion of the body and soule, which yet is infused onely from God.* And in all this we agree with *Bellarmine*; and we adde, that all this is common to all supreame, secular, or Ecclesiastique Magistrates.

101 And yet in *Hereditary* kings, there is lesse concurrence, or assistance of humane meanes, then either in elected kings, or in the Pope himselfe: for in such secular states, as are prouided by election, without all controuersie the supreame power, in euery *vacancy*, resides in some subiect, and

and inheres in some body, which as a Bridge, vnites the defunct, and the succeeding Prince. And how can this be denied to be in the Colledge of Cardinals, If (as one saies) *the dominion temporall be then in them, and* [b] *that they in such a vacancy, may absolue any, whom the Pope might absolue*. If therefore in all the cases reserued to himselfe, as namely in *deposing* Princes, and absoluing subiects, he proceed not as he is Pope, but as he is spiritual Prince, as *Bellarmine* saies, and wee shall haue occasion hereafter to examine; If that Colledge may absolue subiects as he might, this supreamacy and spirituall Principality resides in them, and is transfer'd from them to the Successor.

[a] *Theod. a Niem de schism. l. 3. c. 1.*
[b] *Sayr Thes. Casus consci. par. 1. l. 2 c. 20. nu. 20.*

De Pont. l. 5. ca. 6

102. Certainely all power is from God; And as if a companie of *Sauages*, should consent and concurre to a ciuill maner of liuing, Magistracie, & Superioritie, would necessarily, and naturally, and Diuinely grow out of this consent (for Magistracie and Superioritie is so naturall and so immediate from God, that *Adam* was created a Magistrate, and he deriu'd Magistracie by generation vpon the eldest Children, and (as the Schoolemen say) if the world had continued in the first Innocency, yet there should haue beene Magistracie.) And into what maner and forme soeuer they had digested and concocted this Magistracie, yet the power it-selfe was *Immediately* from God: So also, if this Companie, thus growen to a *Common-*

wealth,

wealth, should receiue further light, and passe, through vnderstanding the Law written in all hearts, and in the Booke of creatures, and by relation of some instructers, arriue to a sauing knowledge, and Faith in our blessed Sauiours Passion, they should also bee a *Church*, and amongst themselues would arise vp, lawfull Ministers for Ecclesiastique function, though not deriued from any other mother Church, & though different from all the diuers Hierarchies establisshed in other Churches: and in this State, both Authorities might bee truely said to bee from God. To which purpose *Aquinas* sayes expressely and truely, *That Priesthood* (that is all Church function) *before the Law giuen by Moses, was, as it pleasd men, and that by such determination of men, it was euer deriued vpon the eldest Sonne*; And we haue also in the same point *Bellarmines* voice and confession, That in that place of S. Paul to the Ephesians, which is thought by many to be so pregnant for the proofe of a certaine Hierarchie, *The Apostle did not so delineate a certaine and constant Hierarchie, but onely reckoned vp those gifts, which Christ gaue diuersly, for the building vp of the body of the Church.*

1.2.q.103.ad 3

De Pont.l.1.c.9. § Potest etiam.

Ephe.4.11.

103 To conclude therefore this point of the distinction of *Mediate* and *Immediate* Authoritie, a Councell of *Paris* vnder *Gregorie* the fourth, and *Lodouicke* and *Lotharius* Emperours, which were

An.829. Binnius To.3. Par 1 fo.562. ca.5.

times

times and persons obnoxious enough to that Sea, hath one expresse Chapter, *Quod Regnum non ab hominibus, sed a Deo detur.* There it is said, *Let no King thinke that the Kingdome was preseru'd for him, by his Progenitors, but he must beleeue that it was giuen him by God. For he which is King of men, had not this Kingdome from men, but from God*: And so hee proceedes to apply many places of Scripture to this purpose, to the shame and confusion of them, who to ouerthrow or subiect secular principalitie, detort Scriptures for the aduancement of Ecclesiastique immunities: As in the *Septimes*, that new limme of the body of the Canon Law, those priuiledges are proued to be *Iure Diuino*, out of the word of the *Psalme*, *Nolite tangere Christos meos*, which was spoken of all the Children of *Israel*, as they were protected in their passage to the land of Canaan, and cannot be appropriated to Priests onely.

In 7. l. 2. Tit. 1. De for. comp. Ca. 1. glos. verbo, eo ipso.

104 And from this libertie which men of this Religion, haue taken to speake slightly, and malignantly of the Person and dignitie of *Kings*, a long and inueterate custome hath so wrought vpon them, that it hath caried them farther, and made them as bold with the word of God himselfe. Out of which they can deduce principall and direct Prophecies for euery passage in Saint *Francis* his storie. For [a] the Dreame of *Pharoes* officer (*A vine was before me, and in the Vine were*

[a] *Sedulius. Apol. cont. Alcora. Francisca. l. 2. c. 1.*

Gen. 40. 10.

three branches) signifies Saint *Francis*, and the three Orders deriued from him, sayes the *Booke of Conformities*, and *Sedulius* the fresh Apologer thereof. So he sayes, [b] *Christ prophecied of this Order; and it is fulfilled in this Order which hee said, Feare not little flocke, for it is your Fathers pleasure, to giue you the Kingdome.* And [c] *of these it is spoken*, sayes hee, *The sound of them is gone into all Nations.* Of these prophanations the examples are too frequent; for as they haue fitted all other things spoken of Christ, to Saint *Francis* in the *Booke of Conformities*, so doth [d] *Sedulius* maintaine the giuing to him, the title of *Iesus of Nazareth, King of the Iewes.*

[b] *Sedul. l. 2. c. 1. Luc. 12. 32.*

[c] *Sedul. l. 3. c. 13 Psal. 118.*

[d] *l. 1. Ca. 18.*

105 So also must the Scriptures affoord propheſies for euery ragge and inch of the *Sindon*, which wrapped our Sauiour in the Sepulchre. For in [e] that *Liturgie* or *Office*, (as they call it) which is appointed by the Pope to be said in the Chappell where this *Sindon* is preserued, all those places of Scripture, which speake of *Christs body sprinkled with blood*, are referred and saide to bee intended of this *Sindon*. And therefore saies the Author thereof, *Since the Pope hath so applyed them, this exposition thereof cannot be reprehended.*

[e] *Mallonij Notæ in Paleotum de Syndone. l. 1. C. 1. Nu. 18.*

106. By this licenſe they giue all the names of Christ to the Pope; [f] yea *the name of God himselfe*; And of [a] *Goddesse to our Lady.* And by this licenſe did [b] Crusius the Iesuit, *call Ignatius Constitutions the Decalogue*: becaus saies *Gretzer*, his fellow Iesuite

[f] *Extrauag. Io. 22. Cum inter. glos. in fine.*
[a] *Liter Leo. 10. per Beuchum. l. 8. Epi. 17.*
[b] *Gretzer. Cont. Hassenmiller. fo. 141.*

Iesuite, *Metaphorically any instruction of our life, is call'd the Decalogue.*

107 Nor can these blasphemous detorsions, & bold mis-applications, be salued, by *Sedulius* his guiltie excuse, that they [c] are *somewhat too freely written, according to the simplicitie of the age*, And [d] such *as some men would rather wish vnwritten*, and [e] *Circumspect men wish'd vnsaid*; And *some things too* [f] *rawly, somethings too couragiously vttered.* And these which he so tenderly, and calmely passes ouer, with light animaduersion, are such sayings as these, *That S. Francis was* [g] *deified; That* [h] *hee was made one spirit with God: That* [i] *hee saw the secrets of hearts: And* [k] *that he was more then* Iohn Baptist, *and better then the Apostles: And* [l] *that God did obay him at a beck in euery thing.*

[c] *Sedul. Apol. prefat.*
[d] *l.1.c.9.*
[e] *l.1.c.18.*
[f] *Ibid. & c.20.*
[g] *l.1.c.20.*
[h] *l.1.c.13.*
[i] *Ib.c.15.*
[k] *Ib.c.18.*
[l] *l.2.c.6.*

108 Nor will *Serarius* his elegant euasion serue them in this, [m] *That some men too indulgent and carefull of their verse, or the delicacie of the Latine language, may haue gone into these excesses.* For the first place, where the Pope is called *the Lord our God*, is in a place barbarous and loose inough, which is the glosse vpon an Extrauagant. And though *Bembus*, in whose letters written for *Leo* the 10. our Lady is called *Goddesse*, doe often stray into prophane elegancies (as [n] in another place, when he would expresse an inspiration of the Holy ghost in one, he saies, he was *afflatus Zephiri cælestis aurâ*, And [o] calls Excommunication, *Interdictionem a-*

[m] *Serar. litaneuti. l.c.13.*
[n] *Epist. Leo.10. l.2.ep.21.*
[o] *l.4.ep.15.*

quæ & ignis) yet this will neither excuse that Pope which sign'd those Letters, nor those to whose care the expurgation of bookes, hath beene committed. So that none of their *piæ fraudes*, with which they emplaster this venemous & contagious wounding the scriptures of God, & the phrase of his spirit, will acquit or excuse them.

109 And if their mis applying of Scriptures carried them no further, then to simple and childish actions (as Saint *Francis* commanded *Massæus* to tumble round like a childe; because, saies *Sedulius*, it is written, *Nisi Conuersi fueritis, & efficiamini sicut paruuli, non intrabitis*): Or if it carried them but to stupid actions (as the penitent which confessed to S. *Anthony*, that he had kicked his mother, receiuing this answere: *If thy foote offend thee, cut it off*, went, and cut off his foote, (but S. *Anthony* honestly set it on againe,) Or if it carried them but to bolde and confident actions (as Saint *Anthony*, when his *Host* set him a Toade vpon the Table, and tolde him that it was written in the Gospell, *De omni quod tibi apponitur, comedes*, he with the signe of the Crosse, made it a Capon ready rosted) fillinesse or some such disease might lessen the fault.

Apolog. l. 3. c. 1. nu. 3.

Idem l. 3. c. 13 nu. 3.

Idem l. 3. c. 28 nu. 31.

110 But then is there extreame horrour and abominations therein, when God and his Lieuetenants are at once iniur'd, which is, when places of Scripture are malitiously or ridiculously

ly

ly detorted to the auiling of Princes: With what ſoule then could Pope *Alexander* ſay, treading vpon *Fredericke*, *Super aſpidem & Baſiliſcum ambulabis*: of which Acte, a Biſhoppe in that Church ſaies, *that it ought to be commended, and that it was lawfully and worthily done.* *Pſal.90.13.* *Ioſ Stepha.de Oſculat.ped. Pont.cap.11.§. Ex quo.*

And with what conſcience could the ſame ſeruile Biſhopp of *Sixtus* the fift, proue the kiſsing of the popes feete, out of thoſe wordes of *Eſay*, *Kings and Queenes ſhall worſhippe thee, with their faces towards the Earth, and licke vp the duſt of thy feete*? how durſt hee ſay, that this kiſsing of the popes feete, was eſtabliſhed in ſaint *Luke*, *when the ſinner kiſſed Chriſts feete? Becauſe* (ſaies he) *if it were affoorded Chriſt, belongs it not to his Church, which is bone of his bone*? And out of Deuteronomy hee thinkes this reuerence is euidently enough demonſtrated, becauſe it is ſaide of God, *the ſaints of God, are ſaid to be humbled at his feete.* *Eſa 49.23.* *Ioſ.Steph.c.5.* *Luc.7.* *Idem.ca.7.* *Deut.c.1.3.* *Idem.c.10.*

So that whatſoeuer is applyed to the Church, or to God, by this detorſion is giuen to the pope. But this Biſhoppe is ſo tranſported with this rage of detorting ſcriptures, that rather then not miſ-applie them, hee will apply them to his owne Condemnation: For thus hee concludes his Epiſtle with the wordes of the Apoſtle: *Gaudeo ſiue per veritatem, ſiue per occaſionem, Romanæ Eccleſiæ dignitatem extolli*: ſo that it is all one to him, whether ſcriptures bee faithfully *Epiſt.lecto.*

applyed or no, so it be to the profit and aduantage of that Church.

Append. ad lib. de Pont. respons. ad lib. Auiso Piacenole ca. 2

III And though *Bellarmine* seeme to deplore and lament that vnworthy manner of handling serious Controuersies, of which hee accus'd that Authour, which called his booke *Auiso Piacenole*, because he cytes some of the *Italian Poets* against the Church of Rome, yet is this fashion still in so much vse amongst them, that in their last busines with the state of Venice, one authour, though in a disguised name, that vndertooke the defence of *Baronius* his furious instigation of the Pope, doth not onely wound and staine the memory of our late Queene, with impious calumniations, and wrest the Scriptures, to defame our present King; but he protests that hee chuses this way of doing it, to imitate *Socrates*, who was (saies he) *Derisor hominum, maxime potentum*, and exhibites his booke *as a sacrifice, Risui, & Lubentiæ.*

Nicod. Macer de paren: Baro: ad lecto.

112 Where then shall we hope, that these men will stoppe or limit their blasphemies? when in the licentious fury thereof, hauing made it habituall to them, and an *Idiolisme* of that Religion, they set (in their account) God against God; that is the word of God against the Pope, and defame him in their owne Pasquils by the phrase of Scripture. In which kind of prophane libelling, I had thought their malignity, and irreligion had beene at the highest, when they called *Lucretiaes* bastard,

baſtard, by Pope *Alexander*, and his ſonne, the *holy Ghoſt*: till of late we ſee one of our owne nation hath drunke ſo deepe of that cuppe, that he hath ſwallowed the dregges alſo; and in a childiſh and trayterous itch of witte, at once wounded the Maieſtie, both of his God, and of his King, by imputing falſe faults to the one, that hee might miſuſe the word of the other.

And by this meanes, as when they determined to kill the Emperor *Henry* the ſeuenth, that they might poiſon him, they forbore not to poiſon their owne God in the Sacrament firſt: ſo when they purpoſed to teare and deface the name and honour, and lawes of the King, they firſt offer the ſame violence to the word of God himſelfe.

113 Thus the ſcriptures ſerue them for *Panegyriques*, to aduance the Pope; [a] *Omnia Subiecisti ſub pedibus eius*: which being ſpoken of beaſts ſubiection to men, [b] they make it of men to the Pope. Thus the ſcriptures ſerue them to deueſt and diſarme Princes; [c] *Ecce duo gladij*, which being (if we [d] beleeue the Ieſuite *Sa*) no other then thoſe knifes, with which they had cutte vp the paſchal Lambe, [e] a pope applies to the ſpirituall and temporall Iuriſdiction.

And thus the ſcripture ſerues them for prouocation, and incitements to warre, and deuaſtation: [f] *Macta & Manduca*: which being ſpoken of baptizing the Gentiles, [g] *Baronius* detorts to the excommu-

[a] *Pſal.8.6*

[b] *Mayn.rdus de priuil.Eccl. Art.2 n.21*

[c] *Luc 22.38*

[d] *Eman.Sâ. Scholia in 4. Euang.*

[e] *Extrau.Com de Maior. & obed.Vnam ſanctam,*

[f] *Act.10.13.*

[g] *In Voto ad Paul.5.*

excommunication of Christians. Onely they are content to spare scriptures, when they come to defend their late-borne *Heresies*; for, for the *necessity* of beleeuing *Purgatory*, *Inuocation*, *Transubstantiation*, and some others of the same age, they offer no scripture; but they thinke it victory enough that *Galatine* can proue all these out of the *Talmud*, and *Cusanus* out of the *Alcoran*: For, for the olde and new Testaments, they finde other employment. They must serue them against the *office* and *dignity* of Princes, to exhibite them as a prey to their neighbours, and a scorne to their owne Subiects.

Jo.10.30. 114 As Christ asked of the *Iewes*, *for which of his good workes they would stone him*: Princes may aske of the Romane Church, for which of their benefites they are so iniurious to them? Is it for hauing established a Primacy vpon that Bishoppe, aboue his fellow Patriarches, which was so long litigious? Or for withdrawing him from the iawes of the Barbarous deuourers of *Italy*? Or for enriching him with a *Patrimony*, and *Priuiledges* almost equall to their owne? Is it for any of these, that you say, *A Clergy man cannot be a traytor, though he rebell, because he is no subiect*? By which you cut off so great and so good a part, as in your opinion the state without it, is but a meere Carcasse, for the Clergie is the soule.

Eman. Sâ Aphor Confes. verb. Clericus.

And you extend those immunities, not onely to

to your boyes which light your Candles, and locke the Church doores, but to euery sullen fellow, that will retire himselfe into a wood, without either assuming Orders, or subiecting himselfe to any Religious Rule, or despoiling himselfe of his temporall possessions, as you say of your *Ermits*: Yea to *Nunnes*, who though they be not of the Clergie, yet are *Ecclesiastique persons*, and yet they are so prophane, as *they may not be admitted to touch any thing which belongs to the Altar*. And not onely the Nunnes within profession, haue these priuiledges, but also their Nouices, who are vnder no vow: yea they enioy them, whom you call *Canonicas Sæculares*, which may trauell, traffique, marry, and do any ciuill, or vnciuil function: (for of the continency of *Regular Nunnes* I am of a better perswasion, for this reason especially; that the *Iesuites* by a Constitution, are forbid to haue the care of them: and those secular women, which I mentioned, are *Ecclesiastici fori* (by a late *Decision* in the *Rota*) because though they be not *Ecclesiasticæ*, yet they are *Personæ Miserabiles*, and *weare an vniforme habite*: and to raise the number, you say, *If an iniury be done to any kinsman of an Ecclesiastique person, it is done to him.* And that if any *offence bee committed by diuers persons, amongst whome there is one Clergie man, none of the offenders can bee subiect to Temporall Iurisdiction.*

Dist. 21. Cleros,

Ren. Choppinus de iure Monast. l. 2. Tit. 2. nu. 25

Dr Aluin de potest. Episcoporum c. 3 n. 11.

Dist. 23. Sanctimonialis.

Regula. 47.

D. Aluin de pot. Episco. ca. 3. nu. 13.

Paris de puteo de Synd. ca. de excess. reg. nu. 29 Maynardus de priuileg. Eccles. Art. 17. nu. 10.

115 And not onely all these persons, but all which appertaines to them, becomes spirituall: and by a new *Alchimy*, they doe not onely extract spirit out of euery thing, but transmute it all into spirit, and by their possessing them, *Houses*, *Horses*, and *Concubines* are spirituall. But as euery thing returnes to his first state, and being; and so Rome which was at first built, and gouerned by *Shepheards*, is returned to the same forme after the decay of the Empire: and as the name of *Bishopp*, which was at first giuen to *Clerkes of the Market*, and Ouerseers of things to be bought and solde, agrees still with these Symoniaque Bishoppes of Rome: so many of these pretious Iewels, which are employed about the Images and Reliques, which were at first *temporall*, and then by this tincture growne to be *spirituall*, returne againe to their temporall nature, when any of the Popes take occasion to serue their pleasure, or foment dissensions amongst other Princes, and schisme amongst themselues, by coyning the Images, as *Vrbanus* did, in such a case.

Tholosa. synt. l. 15. c. 2. nu. 4.

Thead. a Niem. de schism. l. 1. ca. 22.

116 But the greatest iniury that is done to Princes in this matter of *Exemption*, is, that they will not be beholden to Princes for it: but plead their *Ius Diuinum*, not onely the positiue Diuine Law, by which, they say, that the Popes if they had not found these men naturally exempted, and if Princes had not granted these exemptions, might by

by their Constitutions, haue exempted them, without asking leaue of Princes, but they pretend text of Scriture, though detorted and misvs'd, to proue this Exemption. And for the Persons they pretend many; but with no more directnes, then that by which they proue exemption of their goods, from secular charges and burdens, which is, *Domini est terra, & plenitudo eius*, and since it is the Lords, it is theirs.

Lælio Medico. contra. Venet. fo. 196. Nella Raccolta.

117 But all Princes grow weary and iealous of that claime; and a *Catholique* Writer hath obserued, that many of the Writers of the Spanish Nation in these later times, haue resisted that opinion, of which he names *Medina, Victoria, Soto, Ledesma*, and *Bannes*.

Risposta di Ant. Bouio al. Paulo. Nella Raccolta fo. 50.

And if that Nation grow into iealousies, and feele her right, as *France* hath done before, all the *Italian* Writers, will be but weake euidence, to proue this exemption to bee *Iure Diuino*. But as though all this were not enough, and that the states of Princes were not enough infirm'd by withdrawing of all these, they teach, *That a Subiect by remouing into another Prouince hath deuested his allegeance and subiection: And that euery man is free concerning his owne person: And that the band is stronger between a Creditor and a Debtor, then between a Prince and subiect.* Vpon all which, what mischieuous conclusions will follow, is euident and obuious enough.

Bell. de Clericis l. 1. c. vlt.

118 To conclude therefore this point, this Ecclesiastique immunity which they clayme, is the debasing of Princes; And the defence of this immunity, and consequently of this debasing of Princes, is so iust a cause of Martyredome, that *Baronius* saies; *The Students in the English Colledge, haue good title to two Crownes of Martyrdome, because they return into England, both to defend the Catholique faith, and the immunity of the Church.* Where we will content our selues, till wee come to a further exagitation of that point, with this confession from *Baronius*, that they are by your doctrin receiued in that Colledge, incited to Martyredome, for the *Immunities* of the Churche, which himselfe in the same place distinguishes from the Catholique faith. And thus farre I was willing to extend this point, That the Romane Doctrine by extolling Church Priuiledges aboue Princes, and by an absolute and direct auiling them, doth mis-prouoke her disciples to a vicious affectation of imaginarie Martyrdome. In the two other points of *Merite* and *Purgatory*, which produce the same effect, I may haue leaue to contract my selfe, into a shorter roome, because of those, many others haue spoken more abundantly, then of this last point which I vndertooke.

Martyrolog. Ro. 29. Decemb.

THE

THE SECOND PART OF MERIT.

I. THe next Doctrine which I noted to mis-incite men to an imagined Martyrdome, is the Doctrine of Merites. [a] *In euery good worke*, you say, *there is somewhat of merite, and somewhat of satisfaction.* The first is said to belong to our selues, and that by it we establish our saluation: So that the passion of our Sauiour is but as *Baptisme* to vs, and our owne workes, as *Confirmation*: [b] Which Sacrament you say, *confers more grace then baptisme dooth, for strengthning vs against the Diuell*: [c] And that the holy Ghost is giuen more fully therein.

[a] *Bell. de Indul. l.1.c.2.propos.1.*

[b] *Idem de Confirmatione c.11 § Duplex.*
[c] *Ibid ca.7.§. Sed respond.*

And accordingly you teach, that iustice of workes doth giue the forme and life to faith. And the second, which is *Satisfaction*, is reserued in the common stocke, the treasury of the Church, and husbanded and dispensed by the generall steward thereof the Bishoppe of Rome.

2 But for that Merite, which you teach, to say *That our workes of their owne nature, without considering any Couenant or Contract with GOD, deserue Heauen*, dooth not onely diminish CHRISTS Passion, by associating an Assistant to it, and determine his Priesthood, which is euerlasting, by vsurping that

Bell. de Iustif. l.5.c.17. §. Nobis.

office our selues, but it preferres our worke before his, because if wee could consider the passion of Christ, without the eternall *Decree*, and *Couenant*, and *Contract* with his father, his worke (sauing the dignity which it had by Acceptation, by which the least step of his humiliation might worthily haue redeemed tenne thousand worlds) had not naturally merited our saluation.

3 Now betwixt God and vs there is no such Couenant; our best plea is, The sinner must repent, and God will blotte out his sinnes. If a Prince should so farre prostitute his mercie, as to proclaime a veniall Pardon, by which for certaine money, any Malefactor might be pardoned, no such Malefactor as by the nature of his fault, had at that instant forfaited and confiscated all his estate, should haue benefite by that pardon, because he had nothing to giue. All these dis-aduantages and infirmities oppresse vs; no good worke is naturally large enough to reach heauen; no promise nor acceptation of God hath changed the nature of a good worke: And lastly, we can do no perfit good work; for originall sin hath poisoned the fountaines, our hearts: and those degrees and approaches, which we seeme to make towards good workes, are as if a condemned man would make a large will, to charitable vses. For, as that which hee giues is not his owne, so the goodnesse of good workes is not ours, and as it is

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in the Princes pleasure and allowance, whether his will shall take any effect, or no; so is it in the pleasure of God, whether any workes of ours shal be accepted.

4 Yet there is more Deuotion in our Doctrine of good works, then in that of the Romane Church, because wee teach as much necessity of them, as they doe, and yet tye no reward to them. And we acknowledge, that God doth not onely make our faith, to fructifie and produce good workes as fruits thereof, but sometimes beginnes at our workes: and in a mans hart morally enclined to doe good, dooth build vp faith: for if an Angell could transport *Abacuc*, for Gods seruice, by onely taking hold of his haire, God can take such holde of our workes, and carrie vs further by them. And further then this I see not that moderate men may goe: and they startle too easilie that dare not come so farre. And if it had beene expedient for *Bellarmine*, to haue spoken plaine, I thinke he would haue come to that, when hee was so neere towards it, as to say, *That it is the safest way to place all our confidence in the onely mercy of God, by reason of the incertainety of our owne righteousnesse, and the danger of vaine-glory*: for he seemes elsewhere to be so farre from doubting, that a man may not be sure of his owne righteousnesse, that himselfe had such an assurance of righteousnesse in another man, that vpon his Oath before a pub-

De Iustificat. l. 5. c. 7. Proposit. 3.

Ceparius. de vit. Gonzag. l. 3. c. 2.

publique Notarie he affirmes, *That hee verily beleeues that Gonzaga,* (who left the dignitie and inheritance of a Marquisate) *neuer cõmitted mortall sin, and that from his age of seuen yeares, he is certaine of it:*

5 The Doctrine of good workes in the Reformed Churches, is vniforme and consonant. For though *Luther*, to relieue and succour the doctrine of faith, which then languish'd desperately in the *Romane* Church, for iust dignification thereof, sometimes omitted, sometimes spoke remissely of good workes, yet betweene those, who seuerely adhere to him, & other Churches, which in some other things depart a little from them, in this point, I haue obserued no dissention.

6 But the Romane Church at this present is tempested with a violent storme in this matter: that is, *by what way and meanes, man can be enabled to doe any meritorious worke.* In which Controuersies, after the *Dominicans* and the *Iesuites*, had with much earnestnesse prouoked, and with much bitternes replied vpon one another, *Benius* in a booke as moderate and elegant, as any these later ages haue affoorded, proiecting a way, in his Epistle to *Clement* the eight, how these dissentions might be re-vnited, and reconciled, obserues that all the Controuersies betweene them, ariseth out of presuming a false ground and foundation to be true, which is the famous Distinction of *Sufficient* and *Efficient* Grace. And so he dooth not onely demo-

Benius de Controuersia, de lib. Arb. & Dei auxil. inter Catholicos. Epist. ad Cle. 8.

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liſh all that they had diuerſly built thereupon, but defeats and deſtroies that foundation, which *Bellarmine* himſelfe was moſt confident in, and euicts that *that diſtinction*, which that Church hath vſed of late yeares againſt all oppoſition, is *neither containd, nor conueniently deriued, either from Scriptures, Councels or Fathers, but is refeld & reſiſted by the Councell of Trent it ſelfe.* Nor can they extenuate this matter, as though it were of ſmall conſequence; ſince neither ſmall matters ſhould produce amongſt Religious men, ſo much and ſo bitter Argumentation: nor can it bee in it ſelfe eſteemed a ſmall matter: vpon which *Beuius* ſaies, *the queſtions of Predeſtination, Iuſtification, Merite, Perſeuerance, Glorification, and many more depend, and that all Diuinitie is ſhaken herein.*

Li. 1. de grat. & lib. arb. ca. 11.

Fo. 4.

Fo. 91.

Fo. 2.

7 And if they thinke, howſoeuer they ſuffer an inteſtine war, to make vs beleeue that all *is peace*, and that this variety is onely *De modo*, they muſt remember, that that for which they burne and damne men, which is *Tranſubſtantiation*, is but a queſtion *De modo*, which may be ſometimes ſo eſſentiall, That if the *Arrians* had agreed with the *Orthodox*, of the maner of the generatiō of the *Son*, or the *Greeke* Church would agree yet with the weſtern, of the maner of the proceeding of the *Holy Ghoſt*, there could be no diffience in theſe points and therfore theſe diffrēces & controuerſies, & irreſolutiōs in the *Roman* Church cannot be excu'd

or diminished by this, that they are *De modo*, since they are not *De modo probationis*, which is when a certaine truth is illustrated by diuers waies of proofe, but they are so *De modo essendi*, or *existendi*; So, as if you remoue these wayes, by which they are said to be, they are not at all.

8 And how soeuer those Doctors, whome they stile *Seraphicos*, and *Illustratos*, and *Irrefragabiles*, & *Fontes vitæ*, with which transcendent Titles, they enamell so many of the writers in the *Franciscan Families*, so are in so high a pitch as dazles vs, or diue so low, as we cannot discerne what they hold in this matter of *Merit*; yet what the vulgar doctrine is in this point, the *Expurgatory Indices* shall sufficiently informe vs: for no opinion of any Father, or Doctor, or of any vniuersity, can be of so much credite, and authority, as those books; since they are compiled by a commission issuing from the Pope himselfe, who was either authorized or entreated to that office, by a generall Councell. So that in these bookes there are all these approaches to an *infallibility*, that they were determined and prouided by a Councel, executed by a Popes Buls, and iustified by him, when they were perfited and accomplished.

VVilloti Atheneæ, Orthodox.

Ex Conc. Trid. Bull. Pij 4. de Ind libro.

9 And those bookes haue not bestowed so much diligence, vpon any point, as this, that nothing remaine in any Authour, which may preferre Christs passion before our merits. And therfore

fore, to omit innumerable instances to this purpose) in that Catholique booke, [b] imprinted in a Catholique state, which is stiled, *Ordo Baptizandi, & Modus Visitandi*, they haue expunged these wordes: *Doost thou beleeue to come to glory, not by thine owne merites, but by the vertue and passion of our Lord Iesus Christ?* And a little after they haue cut off this question; *Doost thou beleeue that our Lord Iesus Christ died for our saluation, and that no man can be saued by his owne merits, or any other way, but in the merite of the passion of Christ?* And though they might haue excuse to extoll our merites, yet they might haue spared the first part of the sentence, and giuen vs leaue to beleeue, *That our Lord Iesus Christ died for our saluation.*

[a] *Index Hispan. fo. 149.*

[b] *Venet. 1575.*

10 Amongst these great works, pregnant both of Merite for our selues, and satisfaction for others, Martyrdome is in their Doctrine, that *Opus priuilegiatum*, which takes away al sinnes; by occasion of which wordes, *To take away*, I cannot forbeare to warne you in this place, of one ordinarie indirect dealing in *Bellarmine*; which is, that in his *Indices*, and *Tables*, he presents wordes, verie farre from the sense of the place to which they relate: As in this point of merite, where his Index saies, *Martyrium tollit peccata, S. Hierome*, out of whom the Text, to which he relates, is drawne, saies only *per martyrium peccata non imputantur*; which is nothing to the naturall condignitie of the worke it

Bell. de Iustifi. l. 2. c. 9. §. Sanctus Hieronimus.

selfe. And I should haue neglected to haue noted *Bellarmines Index*, but that I obserue that they are so seuere vpon the *Indices*, made by some of their owne Church, that pretending still to haue rased nothing in the body of the fathers, they expunge in the *Indices* many sentences, though the very wordes be in the Text it selfe: as in this point of Merite, *Iunius* hath noted, that these wordes, *Meritum nullum, nisi quod a Christo confertur*, are cut out of the Index to *Chrysostome*, though the same wordes be in the text.

Epist. ante Ind. Belg.

¶ To proceede then, for the dignity of this worke, *Bellarmine* against *Soto*, and *Ledesmo* maintaines, that *martyrdome doth saue a man, ex opere operato*. And that *there is required in the martyre, no further disposition, nor other preparation, then in one who is to be baptized. For (saies he) though Charity be required, it is not precedent Charity, but it is, because a Martyr cannot depart without Charity, because by a couenant from God, Grace is infus'd, and so Charity: and therefore it abolishes originall sinne, and actuall sinne, and both eternall and temporall punishment belonging thereunto.* And in another place *Bellarmine* saies, *That it is euident that martyredome is so full a satisfaction, that it expiates all guiltinesse, contracted by all sinnes, how huge soeuer the number, or haynousnes therof be.* and if any milder man of that Church would say otherwise (as *Ferus* doth directly, *the Passions in this life, are not worthy of future glorie*) hee must be de-

De baptism. l. 1. c. 6.

De Indulg. l. 1. c. 2. §. Quinto.

L. 3. Com. in Mat. 20. 8.

detorted to the other sense, (as *Senensis* saies of this place, *I am of opinion, that Ferus his wordes might bee deflected to the other sense*:) Or if the wordes will not confesse vppon that racke, they must bee vtterly expunged, as wee noted of others before.

Sext Sen. Bibliot Sanct. l. 6. Annot. 89.

12 And vpon this superabundant value of the merite of Martyredome, *Bellarmine* builds that conclusion, which wee now condemne; which is, *That because many martyres haue but fewe sinnes of their owne, and their passion is of a large and rich satisfaction, a mightie heape of Satisfaction superabounds from martyrs.* And so they being sent hither, as Factors to encrease that banke and Treasurie, it appears, I thinke, sufficiently, that this doctrine of merites, dooth misprouoke and inordinatly put forward inconsiderate men, to this vitious affectation of Martyrdome. To which also the Doctrine of *Purgatory* contributes as much perswasion.

De Indulg. l. 1. c. 2. §. Quinto.

THE THIRD PART OF PVRGATORY.

I. AS *Morbizan* the Turke, being mooued by a Bul of *Pius* 2. by which he granted Indulgences to all thē, that would take Armes against him, by a Letter to the Pope, required him to call in his

Historiæ & alia impressa ante Alcoran. fo. 99.

Epigrammes againe: And as a great learned man of this time calls *Paulus* the fifts Excommunication against the Venetians, *Dirum Carmen*: And as *Bellarmine* saies of *Prudentius*, when he appoints certain *Holydaies* in *Hell*, *Pœnarum celebres sub stygefestiuæ*, *That he did but play More poetico*: So all discourse of Purgatorie seemes to me to bee but the *Mythologie* of the Romane Church, and a morall application of pious and vseful fables.

Casaubonus præfatio de liber. Eccl. De purg. L. 2. c. 18. §. Ad quint. Hymno de nouo lumine paschi. Sabbæ.

2 To which opinion *Canus* expresses himselfe to haue an inclination, when he saies, *That men otherwise very graue, haue gathered vp rumours, and transmitted them to posterity, either too indulgent to themselues, or to the people: and that Noble Authors haue beene content to thinke, that that was the true law of History, to write those things which the common people thought to be true*: And this censure he forbears not to lay vpon *Gregory*, and *Bede*, by which two, so many fabulous things were conuaied to posterity. To which ingenuity in *Canus*, *Lypsius his Champion* saies, *That he preferres Gregory and Bede before Canus, for opinion and iudgement*: But in this, onely their discretion, and an abstinence from a slippery and inconsiderate credulitie is in question: and euen in matter of iudgement, in as good iudgement as this Authour hath, *Canus* will iustly enough in that Church haue a good roome. And if this Authour, as hee pretends in that place, accept none of these fables, but *such as the authoritie*

L. 11. c. 6.

Palæstra Honoris. Anastas Cochelet. fo. 285.

and

and iudgement of the Church hath approued, either many of the Stories must loose their credit, or els the Popes that approued them.

3 Who haue beene wisely and prouidently most liberall, and carefull to affoord most of that sustentation of Approuing, to those things that were of themselues most weake and indeffensible: for so S. *Brigids* Reuelations are not onely approued by *Boniface* the ninth, but confirmed by *Martin* the fift: Both which hauing concurred to her canonization, one reason why it was done, on her part, is, *because at her marriage, being at thirteene yeares of age, and her husband eighteene, she vowed one yeares continency*; and the reason on the Popes part was: *That there might some goodnesse proceede out of the North*, for she was of Swethland. According to which superstition, in their Mysterious ceremonies, when the *Gospell* is song, all other parts being done towards the East, hee must turne to the *North*, from whence all euill is deriued, and where the Diuels dwell.

Paleotus de Syndone, par.1. Ep. lectori.

Reuel. Brigid. Bull Canone. Bonif. 9.

Par. Crassus de cerem. Epis. & Cardin. l.1. c. 39.

But for all their barbarous and prophane despite and contumelies, which they impute (not to the Diuell) but to Princes, and all sorte of people beyond their Hilles, their Stories are full of the memorie of Benefites which Sea hath receiued from Northern Princes, and *Binius* confesses, that the remote and *Northerne* people, did so much honour the *Romane* Church, *that whomsoeuer they hea-*

To.3. par.2. fo. 1052. B.

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ued to sit in that Chaire, and to be Pope, though but in name, without any discussion of his entrance, they reuerenced him as S. Peter himselfe, which (saies he) is a wonderfull thing to be spoken. Which imputation since *Binius* laies vpon Northerne Catholiques, they are fairely warned to bee more circumspect in their obsequiousnesse to that Church, without discussing the persons, and the matter which is commaunded them.

4 But to returne to this *Comique-Tragicall* doctrine of *Purgatory*, if *Canus* weigh nothing with them: Sir *Thomas Moore*, of whose firmenesse to the integrity of the Romane faith, that Church neede not be ashamed, intimates as much, when he saies, *That hee therefore vndertooke to translate Lucianus Dialogue Philopseudes, to deliuer the world from superstition, which was crept in vnder Religion: For (saies he) superstitious lies haue beene tolde with so much authority, that a Cosoner was able to perswade S. Augustine, though a graue man, & a vehement enemy of lies, that a tale which Lucian had before derided in this Dialogue, was then newly done in his daies. Somtherfore thinke (saies he) that they haue made Christ beholden to them for euer, if they inuent a fable of some Saint, or some Tragedie of hell, to make an olde woman weepe or tremble. So that scarce the life of any Martyr or virgine hath escaped their lies, which makes me suspect, that a great part of those fables, hath beene inserted by Heretiques, by mingling therof to withdraw the credite due to Christian Histories.* 5 And

Epist. Ruthalo. Reg. Secret. ante Dial. Luciani.

5 And in our daies, *Philip Nerius* the Inſtitutor of the laſt *Order* amongſt them, who was ſo familiar in heauen, whilſt hee liued vpon earth, that [a] *he was faine to intreat God to depart further from him, And* [b] *to draw back his minde from heauenly matters, and turne them vpon earthly, before he was able to ſay Maſſe, And* [c] *could heare the Muſique and Symphonie of the Angels, And could diſtinguiſh any vertue, or any vice, by his ſmelling*, This man I ſay was euer an enemie to theſe Apparitions: and vſed to ſay, *That God would not take it ill, not to be beleeued, though he ſhould truly appeare to vs in any ſhape.* And to a Scholler that tolde him that our *Lady* appeared to him in the night, he ſaid, *next time ſhe comes, ſpit in her face, which he did, and found it to be the diuell.* Nor did hee eaſily beleeue poſſeſsions, but referred it commonly to the indiſpoſitions of the body: and ſuſpecting iuſtly the ſame diffidence in others, which he found in himſelfe, hee prayed to God, *that he would worke no miracles by him.*

[a] *Vita eius. fo. 17. & 24. & 57.*
[b] *fo. 33.*
[c] *fo. 383.*
fo. 107.
fo. 108.
fo 229.
fo. 488.

6 So that not onely for feare of illuſions, and miſtaking bad ſpirits for good, (for for that, their greateſt Authors which haue writ of that ſubiect, euen in theſe cleare & curious times, are ſtill confident, that *An euill ſpirit, what ſhape ſo euer hee appeare in, may be knowne by his feete or hands, And that he is euer notoriouſly deformed either by a Tayle, or by Hornes, And that hee will vaniſh, if one vſe him, as Friar Ruffin did, who when the diuell appeared to him*

Binsfeldius. de confeſ. Sagar. fo. 67. & 68. Menghi. fuſt. Demo. c. 8.
Ibidem.

ordinarily in the forme of Christ crucified, by S. Francis his counsaile, said to him: Open thy mouth, & implebo stercore, and thereupon was deliuered from that apparition. And some of their saddest Diuines, haue eased them thus much in any such perplexitie, that *to worship the diuell himselfe in such a forme, with opinion that it were God, is not Idolatry,*) not onely for these inconueniences, but euen for a generall infamy and suspition, that these apparitions which begot *Purgatorie* haue in them, the more moderate sort of *Catholiques* haue declined from any great approuing of them.

Vasques de Adorati.

7 Yea *Serarius*, though of that order that hath lost all ingenuity, confesses from *Baronius* and *Villa Vincentius*, that in these legends, in their Histories there are vaine and vitious relations; and that the pictures of those Saints, are but Symbolicall. And *Sedulius* acknowledges, that, *that storie in the booke of Conformities, that S. Francis was seene to goe out of the wound in Christs side with a banner, and a great Armie, is but figuratiue.* Of which, sayes he, *there are many so highly mysterious, that it is not fit to discouer and explicate them to the wicked.* So that these *Mirabilarij & Mythologistes* of that Church, will solemnly reserue these their *Arcana Ecclesiæ* to themselues, and shall without any enuie from vs.

Litan. l. 2. ca. 2. N. 3. Ibid. N. 4. Sedul. Apol. pro libro. Con'or. l. 1. c. 20. N. 7.

8 And yet I denie not, but that in sober antiquitie, and in the graueſt Fathers, there are some impressions, which occasioned this error, of purifying

rifying ſoules after this life. As *Bellarmine* ſayes truly, *that for the moſt part, lies haue their foundation vpon ſome truth*; For it was very long in the Church of God, before the ſtate of the ſoule after our death, was cleare, and conſtant and vniforme: the Fathers being diuided in their opinions, whether our ſoules enioyed perfect happineſſe preſently, or expected and attended it till the generall iudgement. And the phraſe and language, in which ſometimes they ſpoke of the laſt conſummation of our happineſſe, in the re-vnion of the body and ſoule, being obſcure, and various, gaue occaſion of doubting, that they reſerued and adiourn'd all our happineſſe till that time. And that which they meant of that perfect and conſummate happineſſe, not to bee enioyed till then, hath beene miſ-vnderſtood, or detorted to the ſoule alone. And by ſuch irreſolution in ſome, and perplexity in collating their opinions, and miſapplying their words, haue been imprinted indelible characters of *Purgatorie*, and of prayer for the dead, of whoſe condition in the next worlde, they were not throughly aſſured.

De Pont. l. 4. c. 8. §. Quia.

9 If any of the Fathers haue ſtrayed farther then ſo, to ſpeak doubtfully of ſome ſuch thing as *Purgatorie*: Wee will not ſay, as you doe, [a] *Let vs excuſe it, or extenuate it, or denie it by ſome deuiſe, or faine ſome other conuenient ſenſe, when it is oppoſed in Diſputation.* Nor dare we obtrude a contrarie ex-

[a] *In. l. Expurg. belg. fo. 12.*

Diſt. 4 ſtatuimus. gloſſ.

position, as you doe, when you make *Pope Telesphorus instituting the Quinquagesima for the Clergy, by his worde Statuimus, to meane Abrogamus*; Or when Pope *Innocent* writes to *Decentius* a Bishop, *that it is not reade, that in all Italie, France, Spaine, Affrique, and the Ilands, there was Alius Apostolus præter Petrum,* to make him meane by *Alius Contrarius*; which the *glosse* vpon the *glosse* in the Margine mis-likes, becauſe no *Apoſtle* was contrarie to *Peter*, and therefore makes the Pope to meane; that *there was no other Apoſtle in thoſe places, then Peter, or ſuch as he ſent.* We dare not correct ſo boldly as to make *Bertram*, who for 800. yeares together had ſaid *Viſibiliter*, now to ſay *Inuiſibiliter*. Wee dare not hope to ſcape with ſuch a ſmall inſertion, as *Non*, which you haue intruded to the deſtruction of *Didacus Stellaes* ſenſe, in his *Commentarie* vppon Saint *Luke*, and in *Eucherius* his *Commentarie* vppon *Geneſis*.

Dist.12.quis neſciat gloſ.

Ind.expur.belg. fo.18.

Index.Hiſp.fo.. 66.

Idem.fo.92.

Wee dare not ſteale out that little particle, to alter the whole intention of him that hath it; as *Bellarmine* hath done, out of a ſentence cited by *Gratian*, out of *Leo*, by which Mariage is no *Sacrament*, if, *Non*, be admitted. Wee will not be ſo vnnaturall to the Fathers, as *Bellarmine* makes the Pope to be, when being preſſed by *Nilus*, to followe in the queſtion of the *Primacie*, the opinion of the Fathers, ſayes, *that the Pope hath no Fathers*

De Matrimo.l. 1.c.5.§.vbi tamen. 27.q.2.Cum ſocietas.

De pont.l.2.c.27. §.reſpondeo iſtis.

Fathers in the Church, but that they are all his Sonnes. Nor can wee exceede *Bellarmine* in disesteeming the Fathers, who hath called in question some bookes of almost euerie one of them, as *Clement, Anicetus, Cyprian, Tertullian, Ambrose, Augustine, Hierome, Damasus, Damascen, Basil, Iustine, Nyssene, Honorius, Eusebius, Chrysostome and others.*

And when *Damascene* cites out of *Palladius, That a dead scull beeing asked, whether our Prayers did them any good in hell, aunswered, that it brought them some ease and relaxation, Bellarmine* sayes, *This is false, and Apocryphall, and that there is no such thing in Paladius:* So ill a Patrone is hee, of *Damascenes* credite heerein. Nor doth hee onely indefinitely say of the Fathers, *That it is euident that some of the chiefest of them haue grieuously erred*, but as of *Tertullian*, who imputes *Montanisme* to Pope *Zephirine*, hee sayes, *There is no faith at all to be giuen to him*, And in another place somewhat more sharply; *Wee doe not reckon* Tertullian *amongst the Catholiques*, So doth he to very many of the other Fathers, boldly impute such errours, as would vitiate any Author not to haue but obserued them, and for touching whereof the *Centuriators* are by him accounted prophane and blasphemous. So also doth *Medina* say, That *Hierome, Ambrose, Augustine, Sedulius, Primasius, Chrysostome, Theodoret,*

De Purgat. l. 2. c. 18 §. preterea. & §. Ad quartum.
De verbo Dei. l. 3. c. 10. §. dicens.

De Pont. l. 4. c. 8. §. respondeo.
De penitent. l. 1. c. 1. §. igitur.

De Sacro. homin. Orig. & contin. l. 1. c. 5.

Oecumenius, *Theophilact*, and others, were of the same opinion as *Aerius* was, and the *Waldenses*, and *Wicklyffe*.

36.q.2.placuit. 10 But as *Gratian* preferred *Hierome* before a *Councell*, because hee had *Scripture* on his side, And as your *Expurgatorie Index* (which I cite so often, because no booke of equall authoritie, doth shew so well your corrupt doctrine, that is, what you cannot endure to heare, and your indirect practise, to make Authors speake your words) addes to one Author in the Margine, *Wee must giue no credit to these words of Eusebius*, and after; *This opinion of Iustin, and of Epiphanius, is not true*: So, if for the defence of *Purgatorie*, in the full sense of the *Trent Councell*, you obtrude any Father (which yet I professe that I haue neuer seene) if that Father be destitute of the support of Scripture, you must allow vs, some of that libertie which you take, since we are more modest in the vse thereof then you are.

Ind. Hispa fo. 146.

Fo.147.

Moral. Instit. Par.1.l.11.c.14. §.Secundo quæritur.

11 For we need not (euen by your frequent examples,) binde our selues to that seruility, which your *Azorius* subiects himselfe vnto: who disputing of the immolation of *Iepthes* daughter, confessing, *That it is not euident, that she was killed, nor likely; nor that she could be comprehended in that vow, any more then any vncleane thing which might haue met him, and That the contrarie is more Analogall to the other places of Scripture, and that the Rabbines,*

Lyra,

Lyra, and some other Catholiques, denie her death, yet, saies he, *because we are bound* (that is, by the oath of the Trent Councell) *to expound Scriptures according to the sense of the Fathers, I thinke we ought to adhere to the opinion that she was slaine. But if the sense of the Fathers did not stand in my way, to confesse the truth, I should approue the other opinion, because that deliuers so great a person as Iephthe was, both from rashnesse and foolishnesse in making the vow, and from impietie and cruelty in keeping it.*

12 This bondage and yoake we need not cast vpon our selues, but may lawfully take *Chrisostomes* libertie, (since our cause is better then his, for hee dis-approued all Oathes) *Neuer produce to me,* saies that Father, *this Saint, or this chaste man, or this milde man, or this Priest; for if you tell mee of Peter, and Paul, or of an Angell from Heauen, you shall not thereby terrifie me with the dignitie of the persons.* De militia spirituali Ho. 4. To. 5. fo. 209.

13 The Fathers which must gouerne in these points, must not be the Fathers of the Societie; but they must be *Patres Patrati*; Fathers which haue Fathers; that is, whose words are propagated from the Apostles. Of which sort of Fathers, in my poore reading, I neuer found any that consented with the Doctrine of *Purgatorie* now established.

14 In which, that which we principally complaine of at this time, is, that it incites to this false martyrdome. Not but that they confesse, that there are also some other wayes besides martyr-

dome

dome to escape *Purgatorie*; else how got *Lypsius* so soone to heauen? for as soone as his *Champian Cochelet* calls him, *Lypsius* aunswers, *Wee that are receaued into heauen, doe not despise our fellowes:* And that powerfull Indulgence (which, though Saint *Francis* obtained immediately from *Christ*, yet *Christ* sent him to aske it againe, at the Popes hands, because, sayes *Sedulius*, *hee would not derogate from the power, which he had deliuered to his Vicar*) deliuers as many *as doe but come to a certaine place, from all sinne, and danger of Purgatorie. All which die in that Order, are saued; yea, All which loue that Order hartily, how great a sinner soeuer he be, shall haue mercie. And yearely on his birthday, all which are in purgatory, especially of his Order, flie vp to heauen. And hee himselfe carried aboue* 1000. *away with him from thence, when he went.* At one Masse, at the Commemoration of the Dead, *a Friar saw soules flie from Purgatorie as thicke as sparks from a furnace:* and this Masse he celebrated euery day, and so did infinite others. If then that Friar made a true *relation* of the state of *Purgatorie* in his time, *That of* 5000 *which died in the world since his comming thether, there came but three to that place*, there is no great vse of heaping so much treasure, for that imployment, since by these computations, neither the Number can bee great, nor the stay long.

Paleſtrita Honoris fo. 1.

Sedulius Apolo. contr. Alcora. l. 1. *c.* 16. *N.* 4. *&* 6.

l. 2. *c.* 9. *N.* 1. *l.* 2. *C.* 11. *N.* 4.

l. 1. *C.* 19. *N.* 3.

Ibidem.

l. 3. *C.* 21. *N.* 4.

Ibid. N. 7.

15 And if the authoritie of this *Sedulius* seeme light, yet his booke is dignified with this Approbation,

In fine libri.

bation, *That the impudency of Heretiques, may bee beat backe, with most firme arguments, and with most cleare reasons*) *Soto* might weigh more; who considering the intensnes of the fire of Purgatory, thinkes none shall remaine there aboue tenne yeares. But for all this *Bellarmine* saies, *That by most certaine apparitions it is euident, that some soules already there, shall remaine there till the day of iudgement*: And though hee make an impertinent doubt, *Whether euer any Popes haue graunted Indulgences for many thousand yeares*, yet in another place he assignes certain reasons, why conueniently the Popes may do so; *becausse the penitentiall Canons inflict many yeares punishment, for diuers sinnes which many men cõmit often euery day*. But of this the Popes are so liberal (though it is impossible they should keepe any iust *Audit*, or account, since they neither know what they receiue, nor what they lay out) that they will put in 1000. yeares more rather thẽ remit that six pence, which you must paie, not for the pardon, but for the paper. And therefore *Martin* 5. had a iust and proportionall respect to the nature of this ware, when he appointed a yearly *Faire*, and yearely *Indulgence*, both of three moneths continuance, to be kept together at *Loretta*; and that the *Priests* and *Merchants* should open and shut vp shoppes together.

4 *Sent. dist. 19. q. 3. ar. 2.*

De purgat. l. 2. c. 9. §. Preterea.
De Indulg. l. 2. c. 2. §. Sed primũ

De Indu'g. l. 1. c. 9. §. Respontio.

Turselinus Iesuit Hist or. laurel. l 1. Ca. 22.

17 But Martyrdome is of much more value, then these Indulgences, becausse it is infallible

for, some incapacity, and indisposition in the partie, may hinder the working of an Indulgence, but Martyredome cannot faile of the effect, to worke our deliuerance, as appeared by that which we cyted out of *Bellarmine* in the end of the last part of *Merite*. And therfore that doctrine, which teaches such a *Purgatory* as you speak of, incytes to such a *Martyrdome*, as we speake of, & disapproue.

18 Hauing therefore proceeded thus farre, That the purest and acceptablest Sacrifice which we can offer to God, which is our liues, may be corrupted and enuenomed with distastefull mixtures, and that euen in the deuotedst and safest times, it fell out, not seldome to be so; And that our corruption now is more obnoxious and apter to admitte and inuite such poysonous ingredients, and temporall respects, then in those purer times, especially in the Romane Church, which misinflames the minde to falle Martyredome, both by depressing and trampling vppon the dignity of Princes, and maintayning euery litigious clause of *Ecclesiastique immunity* with our blood; And also by extolling our owne Merites, and encouraging vs thereby, to trafique, though with losse of our life, for the benefit and aduancement of the treasury of that Church; And lastly by the certainety, seuerenesse, and length of *Purgatory*, which are infallibly hereby auoided: the next thing which I present to your discourse, and consi-

dera-

sideration, is, That the Iesuites more then any other Order, claim to themselues a greater forwardnesse, and alacrity to this, and are therefore busier and apter to prouoke seuere lawes, against themselues, and to incurre the dangers thereof.

CHAP. IIII.

That in the Romane Church the Iesuites exceed all others, in their Constitutions and practise, in all those points, which beget or cherish this corrupt desire of false-Martyrdome.

TIll the *Iesuites* haue a Pope of their owne, it will be (I hope) no Heresie, to doubt, or call in question their sanctity: they may be content yet to affoord vs (since our cause is safer) the same excuse which is allowed for *Origen*, *Chrysostome*, *Hierome*, and *Cassianus*, euen for maintaining a lawfulnesse in lying, *That the Church had not then determined the contrary.* They may fauour our weakenesse with the same helpe, which they apply to a Pope himselfe, *That it was then lawfull, without danger of Heresie, for him to beleeue in earnest, that our soules should not see God, till the resurrection, because there was no Definition of the Church in that point.*

Obseruationes in Cassianum. fo. 739. Ex Collat. 19.

Bell. de pont. l. 4. c. 14. §. Respondeo. De Ioan. 22.

Their Charity may relieue vs with the same Indulgence, which they affoord to *Senensis*, who

reiects some part of the Canonicall Scripture, after the determination of the *Trent Councel, Because he did not reach and attaine to the force of that Canon,* saies *Gretzer*, who allowes him all these escapes, *That he did it either by negligence, inconsideration, a foreconceiu'd perswasion, or some other cause,* which is large enough.

Gretzer defens. Bellar. To. 1. fo. 362. §. Namquod

2 But if euer a Iesuite come to be the Church, that is, the Pope, we shall soone be precluded by the Churches Definitions. And as now to doubt whether the Pope without a Councell, may teach an Heresie, is *Hæresi proximum*, and so is *Semi-hæreticum*, when a *Iesuite* is Pope, it will be *Hyper-hæreticum*, and *Sesqui-hæreticum*: for we haue beene already taught, that something may be more then heresie, when by a new *Decretall of Paul the fourth*, they say, *That any great person falling into Heresie or Schisme, shall for the first offence be esteemed relapsed, and be in the same desperate state, as if he had formerly iuridically abiurd the same heresie.* At least, when a Iesuite comes to that Throne, as in this last volume of the Canon law, we haue a new title presented, *De Cardinalibus*, which was in none of the rest, where they are call'd, *The principall members of the Church, constituted by the holy Ghost*, And *the most noble part of the Popes body*, And *the cleerest lights, and most speciall children of the Church*; where, *to take any thing from them is called Sacrilege*, and to fauour any which hath dis-fauoured them, or hurt them,

Bell. de Pont. l. 1. c. 2 §. Ex his.

In septimo l. 5 tit 3. c. 9.

In septimo tit. 4.

Ibid. ca 3.

Ibid. c. 2.

Ibid. c. 3.

is

is made Treason, so without doubt the *Iesuites* will be as indulgent to their owne Order, and we shall haue at the next croppe, when there is a new Harueſt of ripe *Decretals*, a title, *De patribus Societatis Iesu.*

3 As at their first institution they were thus neere the Papacy, that the Order of the *Theatines*, of which *Paulus* the fourth (who was at that time Pope) was either the authour, or a principall man, desired to be vnited to them, by which meanes they might haue compassed the Papacy in their Cradle, so haue they of late made suspicious approaches thereunto, by admitting Cardinalships, and other Dignities.

Histor. Ordi. Iesuit. refut. a Gretzero. fo. 45.

4 Those of their Order, who heretofore refused offers of that Dignity (as you say *Laynez* did from *Paulus* the fourth, and *Borgia* from *Iulius* the third) did it *Constantissimè*: and, I beleeeue with such constancy in resistance, *Tolet* and *Bellarmine* might haue preuailed. Hee which giues rules for the institution of Monkes, forbiddes not onely Bishopprickes, but all acquaintance with Bishoppes: *By all meanes* (saith hee) *let a Monke auoide women and Bishops, because both hinder Diuine Contemplation*; which Rule when Iesuites broke, and came to liue in secular and Ecclesiasticall Courts, they shewed that they were not stubborne and inexorable against these preferments.

Ribadeneyra de Scripto. Iesuit. fo. 100. & fo. 60.

Cassianus l. 11. c. 17.

5 And if euer they attaine the Papacy, they haue already laide good foundations for the entailing thereof vpon their owne Family, by *Azorius* his disputation, what the authority of the Pope is in *designing a Successor*: for he deliuers it, as the common opinion, *that the forme of electing the Pope being founded vpon the Canons, it may at his pleasure be changed.* So that the Pope may establish the *Prouincials of the Iesuites* to be the Electors.

Instit. Moral. to. 2. l. 4. c. 5. § Secundo.

And then descending to another question, *whether the Pope himselfe may designe his Successor*, hee saies, *that the Canons against it cannot preiudice him, because he is aboue them, and that it is not forbid Iure Diuino; and that for matter of fact, he beleeues S. Peter did chuse Clement*: but least the Popes should haue nothing to auert them from this course, before any Iesuite were Pope, and so worke an exclusion, he saies, *It is not lawfull, Iure Naturæ: that is*, saies he, *because naturall reason informes, that it were inconuenient for the Church*: And, *but for that inconuenience*, he saies, *they might cast lots for the papacy*: But this inconuenience depends vpon such reasons, and circumstances, as are alterable, and when they cease, this law of nature ceases too.

Ibid. § Tertio.

Ibid. § Exploratum.

6 And though *Laynez* in the vacancy after *Paulus* the fourth, is said by you to haue had twelue of the best voyces for the Papacy, though he were out of the Colledge of Cardinals; And in one Conclaue, *Bellarmine* also is said, to haue had some,

Ribadeney. vbi supra.

some, yet if any Iesuite had voices enow, would his Superiour allow him the Religion of his vow, by which he ought to refuse it, or his naturall liberty, by which, any man that is chosen Pope, may, if he will refuse it?

Cerem: Sacr. Cap. De elect pont.

7 If it were once come to that, as you are content yet, to seeme as modest as the *Carthusian*, who saies, *that he beleeues it to be a singular blessing of God, that no Carthusian hath beene Pope*: you would make good hast, to reckon with the forwardest Orders, how many Popes you had had: And quickly in these accounts ouergoe the Franciscans themselues, who reckon of their Order, not onely Popes and Martyres, and such possible things, but are so precipitate and transported with this fury, that they reckon, how many of the *Apostles, Prophets*, and *Patriarches* they haue had of their Order; So, as I thought, whilst I reade it, they would neuer haue stopped, till they had tolde vs, how many *Adams* and *Eues* had beene of their Order, and how many *Iesus Christs* besides S. *Francis*: For I vnderstand not by what other figure they vse this anticipation, and call these auncients Franciscans then that by which *Serarius* the Iesuit saies *Herod* was a great Machiauellian: and *Gregorie de Valentia*, that *Plato* might learne the doctrine of Purgatory out of the booke of the Machabees, which was written after his death.

Petrei Biolioth. Carthusia. fo 304

Sedulius Apolog cont. Alcoral. 2 c. 11. § Innocentius.

Serarius Tribæres. l. 2. Cap. 24 Grego. de Valent. De purgat. c. 8.

8 But besides that the Iesuites decay in the hearts

hearts of Princes (which *Philip* the second of *Spaine* testified well, because though he had great vse of their seruice, hee neuer did any thing for them) this also makes me doubt that they will neuer haue Pope, because it is already reueil'd by *Christ* to S: *Francis*: that *Antichrist shall come out of the family of the Franciscans.*

Pierre Mathieu Histoire de France. l.1. Narrat.4.

Sedulius. Apol. l.2.c.12.n.8.

9 This also encreases my suspicion, that they could neuer compasse, that which is much lesse then a Pope, which is a *Saint*, in their family. For *the Authority of the Pope is greater, then of a Saint*, sayes *Cassanæus*: And in his Indulgences he doth as familiarly command Angels, as the yonger Prentizes, the *Exorcists*, do deuils: To whom they vse this language, when any spirit possesses a body, *I command Lucifer, and all the Furies in hell, to precipitate you into hell fire presently, indispensably and eternally, till the day of iudgement: And I forbid the Ayre to haue any power to receiue you.*

Catalog. Glor. Par.4. Consid.7.

Menghi. Flagell. Dæmon. fo.9.

Ide. fol.105.

10 And though *Tortus* say, *That the time of the Canonizing of the founder of that Order is not yet past*, and therefore hee may bee Canonized in good time (which is a poore comfort, since I neuer found any such limitation, nor that a Saint apparant, as *Ignatius* is, may be superannated, and grow too old to bee Canoniz'd) yet since those two great Princes, *Philip* the second of *Spaine*, and *Henry* the fourth of *France*, either out of deuotion to the Order, or for their owne ends, haue both

Mat. Tortus supra la Lettera di Palmieri Romito. Raccolta. fol.126.

both pretended the ſolicitation of *Ignatius* his canonizing to belong to them, and both affected the honour of procuring it, the purſuite and effecting thereof hath beene intermitted and retarded. And howſoeuer for *Ignatius* and for *Xauerius*, who was alſo a *Nauarrois* as well as *Ignatius*, it might pleaſe thoſe Princes, for reſpect to one another to forbeare any ſolicitation in their behalfes, yet the King of Spaine had very many ſubiects in that Order, to whom no other Prince pretended any ſuch precontract or intereſt: and yet he procur'd the canonization of *D'Alcala a Franciſcane*, and *Pennafort a Iacobin*, and neglected the *Ieſuites*. And though the preſent Pope *Paulus* the fift, haue beene much ſolicited for the Canonizing of *Gonzaga* the Ieſuite by the Princes of that Family (the memory of his exempler life being yet freſh, and his worthineſſe certified (as the cuſtome is in preparing Canonization) by Cardinals which had commiſsion to ſearch therinto) yet he hath allowed him no other title then *Beatus*: which might haue beene giuen him without that Reſcript of the Pope, as *Ignatius* and many other haue it: ſince, as *Serarius* ſaies, *Cuſtome giues that Title to thoſe, of whoſe ſaluation there is a ſtrong opinion, and yet are not adorned with the publique teſtimony of the Church.*

Pierre Mathieu. Hiſtoire de fran. l.1.Nar.4.

Ceparius de vita Gonzag. Epiſt. Dedic.

Litaneut.l.2.q.7

II Nor doe I perceiue that they are in any great forwardneſſe, to get a *Saint*, ſince in canoni-

zings after the consideration of the truth of the miracles, they fall in the Consistory to another consideration, of the sufficiency of them. And besides that, your own *Acosta* makes vs doubt of the truth of those miracles, which are related, because he spends a Chapter in giuing reasons, why in our age, in preaching the Gospell in the *Indies*, there is not that strength of miracles, which was in the primitiue Church, since, as he saies there, *It would preuaile very much, if it might be*, those which are said to be done by you, are for the most part so poore and beggerly, and silly things in respect of the *Franciscans*, as betweene yours and theirs there is as much difference, as betweene Iugling and Coniuring.

De procurand. Indo. Salut. l. 2. c. 9.

12 Me thinks you should offer no more to plaie at that game, after you haue beleeued (as I hope you doe, since so fresh, and so well approoued an author as *Sedulius* giues new life to these miracles) That S. *Anthony when the heretiques refused to heare him preach, went to the Sea side, called the fish, which came of all sorts, staide in peace, put their heads aboue water to hearken, and at the end of the Sermon, some spoke, and some did but bow their heads, and so the Heretiques were conuerted*: or that Frier *Andrew* to correct his appetite of eating birds, at the Table, *by the signe of the Crosse, commanded them to flie away, though they were rosted.*

Sedul. Apol. l. 3. c. 13. Nu. 8.

Idem. l. 3. C. 28. Nu. 30.

13 And how much more luxuriant of Miracles

cles would their Hiſtorie be, if they had not commanded Friar *Conrade* to doe no more Miracles after his death, becauſe he was buried out of their Colledge: And if Saint *Francis* had not enioyn'd Friar *Peter*, vpon his Graue, *Per ſanctam obedientiam*, that he ſhould doe no more Miracles, *becauſe they were thereby diſquieted with concurſe of people.* Of which kinds there are many Commaundements, which leſſons their number of Miracles.

Id.l.3 c.24.n.25 26.27.

14 And this *Philip Nerius*, founder of the laſt Order, fear'd in himſelfe, and therefore hee told *Baronius*, that he had intreated God that he might doe no Miracles.

Vita.Nerij. fol.488.

15 You can therefore in nothing equall that order of *Franciſcanes*; for if you thinke to ouertake them in number, you will be farre ſhort. Saint *Francis* ſaw at the firſt Chapter or meeting, ſixe thouſand *Friers*, and eighteene thouſand *Deuils*, which *Ignatius* could neuer get neere, except hee made it out in *Deuils*. For the whole number of his ſocietie, doeth not much exceede ten thouſand yet.

Sedul.Apol.l.2. c.2.n.3.

An.1608.they were 10581. Ribad.ſcrip.Ieſuit.in fin.

16 But that which is truly proper and peculiar to you, you doe earneſtly and intenſly, and you excell in it, which is, in kindling and blowing, begetting and nouriſhing ielowſies in Princes, and contempt in Subiects, diſſention in families, wrangling in Schooles, and mutinies in Armies, ruines of Noble houſes, corruption of blood,

confiscation of States, torturing of bodies, and anxious entangling and perplexing of consciences. And to facilitate your way to these effects, you are in your institution mixt and complexioned of all Elements, and you hange betweene Heauen and Earth, like *Meteors* of an ominous and incendiarie presaging. You pretend to forsake the world, and to looke all vpward; But, saith *Cassianus*, *Such renunciation is threefold; Of all temporall fortunes, and of our maners and conditions, and of our minds from all present things.* But all your labour is to vnderstand the present state of Kingdomes, and where any ouerture is giuen for the Popes aduantage, and where any interposition or hinderance is interiected against his purposes. And therefore that saying of Saint *Basil* to a *Senatour*, that seem'd to renounce the world, and yet retain'd part of his state, *Thou hast spoyled a Senatour, and hast not made a Monke*, belongs almost to all of this Order. For you are but as *Eunuches*; you haue lost your apprehension and capacitie of worldly Estates, yet the lust, and itche, and concupiscence, to be conuersant therein, remaines with you still.

Cassian. l. 7. c. 19.

17 For this purpose you haue care in admissions, *That none be receiued whose Parents bee poore*, (which your *Examiner* hath in charge) least that should diuert them from the integritie of this seruice. For this purpose it is, *That the Superiour himselfe*

Iesuitar. regula Commu. Cap. Examinator.

himselfe cannot dispence to admit any deformed person, because you will haue men sociable, acceptable, and agreeable to companie. For this purpose *your Superiours and Rectors must write euery Weeke to the Prouinciall, not onely of their owne state, but of all things done amongst strangers, by the seruice of this societie.* For this purpose *you must haue a Proctor generall at Rome, who must buy and studie all the Rules of that Chancerie, and all the Breues, and Buls, which the Popes send forth.* And to this purpose was that attempt of the Iesuite, who (if a Catholicke Historiographer relate truely) published at *Rome, That Confession by letters was Sacramentall and effectuall.* Into which opinion though [a] some before had straied, yet it had receiued no such strength and authority as at that time, when it was so hotly pursued, that *Clement* 8. was forced to oppose a direct Decree against it, and *to condemne it as false, rash, and scandalous at least.* For if this opinion had beene beleeued and authorized, the secrets of all states, and passages of all Courts, had had no other Register then the breasts of Iesuites; who are so wise Apothecaries of penances, and haue so plentifull shops of those druggs of Indulgencies, that all those Princes, to whom any of them had beene Confessor, would neither open their disease, nor seeke their physicke at any other place: when they might be deliuered of the painefullest part of Confession, which is the personall shame of accusing ones selfe. 18 And

Regulæ Prouincial. 56.

Cap. de formula scribendi.

Cap. procurator Gener.

Pier. Mathieus. histoire de Fran. To. 2. l. 7. Nar. 4.

[a] *Vide Soto de teg. Secret. memb. 3. q. 4. Dub. 4. & Zambran. Cas. Consci. cap. 4. de pœnit. Dub. 2. Sect. 5. vbi etiam est hoc Decretum Clem. 8. Nu. 31.*

18 And that they may attend this seruice of *Intelligencers*: First, they haue one Rule of State, which is, *That they let no stranger vnderstand their Rules and Priuiledges*, And their Superiours haue the prerogatiue to interpret and extend, and limit the constitutions; whereas, for the Rule of the *Franciscans*, Christ himselfe was heard in the aire, saying to S. *Francis, This Rule is mine, not thine, and I will haue it obserued, Ad literam, ad literam, sine glossa, sine glossa.*

Reg. Commu. 38.

Sedul. Apolo. l. 2. *C.* 3. *N.* 2.

19 And then by one *Bull* they are enabled (for at their first institution they were not so) to *heare Confessions, and to change vowes*; And by another *Bull*, they haue priuiledge *to absolue from all censures, except those of Bulla Cœnæ*. And by[a] another, they are licenced *to practise Physique*; which doth not onely giue them accesse to Death-beds, which is one of their chiefest *Scenes*, but excludes all others, because they are competent for all offices. And I wonder that they haue not procured a *Bull*, that they might be *Midwifes*.

Bulla tertia Gretzer in Hateum. fo. 168.

D'Auila de Censur. par. 2. *Ca.* 7. *Disp* 3. *Dub.* 8.

[a] *Bulla* 18. *Gretzer in Hatteum. l. fo.* 211.

20 To this purpose also of *spying*,[b] their constitution bindes them *to no ordinary penances*, nor disciplinary macerations of the bodie: yea, that which they are content to call *Indiscretam castigationem*, which others magnifie so much, is so much forbid amongst them,[c] *that they are bound to deliuer it in confession, if euer they transgresse into it.* And the *Rector* is to prouide, not onely against these

[b] *Iesuit Constitut spirit.* 4.

[c] *Reg.* 48.

Mortifi-

Mortifications, but [d] against too much *Deuotion*, *as Impediments which call them from their studies* And the charge which is giuen to him who is president ouer their spirituall matters, is to see, [e] *That whilst they haue too much desire of Deuotion, they doe not impaire their strength*: and therefore that *Gonzaga* of whom it is often [f] said in his life, that *hee shortned his life with such discipline*, [g] *laying sharpe chips betweene his sheetes*, [h] *whipping himselfe with Iron chaines, and* [i] *putting spurres betweene his Dublet and his flesh*, before he came into the Rules of the *Iesuites*; wonne, and ouercame his Father and Mother, to encline to his purpose of entring this Order, because they sawe, [k] *That this Order would be wholsome for his body, and not allow him such seuerity*.

[d] *Reg. Com. ca. Rector reg. 8.*

[e] *Cap prefect. Rer spirit.*

[f] *Cepario Iesuit. de vita Gonzag. fo. 58. & sæpe.*
[g] *Fo. 84.*
[h] *Fo. 83.*
[i] *Fo. 84.*

[k] *Fo. 154.*

21 For priuiledges of *Addition*, they haue by [l] one *Bull* all the *immunities of the Mendicants*, which are very many and aduantageous, because thereby they must be receiued, as they trauell into any religious house: And by [a] another *Bull*, at one liberalitie, *the priuiledges of all Orders, are extended to them*.

[l] *Bulla. 13. Gretz fo. 195.*

[a] *Bull. 17. Gretz fo. 207.*

22 And for *Exemptions*, they are deliuered by [b] one *Bull from keeping their howres in the Chappell*; and by [c] another *from attending at Procession*: and by [d] another *dispenced from fastes*, *and forbidden meates*: and by their [e] Rule bound *to no habite*: and by [f] another Bull, *licensed to read all bookes*; which is so great a libertie in that Church, that in the *Septimes*,

[b] *Bull. 15. fo. 197.*
[c] *Bull. 19 f. 217.*
[d] *Bull. 7. fo. 186.*
[e] *Regul. Prouincial. 84.*

[f] *Bull. 16. fo. 198*

[g] *In septimo. l.5. Tit.4.c.6.*

Septims, there is [g] a Decree of *Gregory* the thirteenth *forbidding euen Arch-Bishops, and Kings, and all persons, but the Inquisitors, to read Hereticall bookes, vpon paine of Heresie.*

[h] *Constitut. spirit.36.*

23 If therefore, as in their [h] Constitutions they call themselues, they be but *Cadauera*, they are either such corrupt and putrified carcasses, as infect and enuenome all places where they reside, or such Carcasses, as euill spirits haue assumed to walk about in: and if they be (as they say there) but *Bacula senis*, This old man is the pope, whon they cannot put off, and they are such staues, as haue swords sheathed in them, and such as wound and bruise, euen the inwardest marow of Kingdomes.

24 For this purpose is that obedience to their Superiours, wherein *Ignatius* wils his Disciples to exceed (*Let vs*, saies he, *suffer our selues to be exceeded by others, in fastings, and in watchings, and such; but let our marke be an abdication of the will, and iudgement.*) And so he giues them good blinde Counsaile, for their beleefe, and for their actions: *As to beleeue what the Catholique faith teacheth, so be you carried with a blinde violence of obeying, whatsoeuer your Superiour commands.* And though their Superiour command nothing expresly, yet they are bound once in a weeke, to say one Masse, *to the Intention of the Generall*, though they know not what it is. And of this generall intention the Center, and Basis is, the aduancement of that Sea, about which these pla-

[i] *Epist. Ignatij ad fratr in Lusit.*

Reg. Commu. ca. Missa.

planetary Monkes, haue their course and reuolutions.

25 Olde Monkes were vsed heretofore to be but *Coasters*, houering about their owne *Cloyster*; further then the Contemplation of Heauen, which was the *Bible*, and of the starres, which were the deuout interpreters therof, guided them, they did not easily venter: except some storme of disputation or passion transported them: But the *Iesuites* in this laterage haue found the vse of the *Compasse*; which is the Popes will, and now they haue not the patience to be *Fishers of men*, but they are *Merchants of Kingdomes*, and *Pyrates* both of spirituall and temporall treasure. But *the eies of a foole, are in the corners of the world*, saith *Salomon*. And euen the desire of going to the *Indies* (which is their best pretence) if we beleeue the life of *Nerius*, was corrected in him, by an apparition of S. *Iohn the Euang.* who tolde him, *That Rome was his Indies, for there was matter enough for his instruction, and his example to worke vpon.*

Pro.17.24.

Vita Phil. Neryi fo 110.

Regula Benedict. c.1.

26 And of foure sorts into which they vse to diuide Monks, which are *Cænobites, who keepe their Cloyster, Eremites who aduenture into a Solitude, Sarabaits, who by their workes keeping still their contract with the world, haue dissembled with God, per tonsuram, and lastly, Gyrouagi, who all their liues wander through diuers Prouinces*, the *Iesuites* seeme guilty of transgressing in both the last waies. For, besides the

Pallaces, and abundant possessions, which they haue as they are Corporations, Onely *they* of all sorts, *are not in their particular incapable of inheritances which deuolue vpon them, by their triple vow made before the Gouernour of that Conuent, till they confirme it againe in a generall Chapter. Quod ita iudicatum,* (sayes a French Lawyer) *Mirabundus accepi.*

Ren. Choppinus de iure Cœnubi. 2. tit. 3. n. 9.

27 The *Franciscane* Friar *Giles*, did so much abhorre all temporall prouisions, that hee told *Saint Francis, hee did not like the Antes, because they tooke such paines to prouide victuals for Winter.* And when a Friar told Saint *Francis*, that hee came, *A Cella Tuâ*, when he heard the word *Tuâ*, he would lie no more there. But the *Iesuites* haue not so much deuested themselues of *Proprietie*, but that they may haue proprietie in temporall possession: Yea, they will haue *Proprietie* in *Treason*; and will haue proper and singular Plots of their owne, and not ioyne with your Priests, *Watson* and *Clarke*, in their Plot, nor bee Traytors in common with them.

Sedul. Apolo. l. 2. c. 6. n. 7.

Ibid. n. 14.

28 This is their arrand; and for this, like him, who imployes them, *They compasse the Earth, too and fro.* Nor are they more like the *Circulatores*, and *Circumcelliones*, a limme of the *Donatists*, in this their vncertaine running about, then in that other qualitie of theirs, to vrge and importune, and force men to kill them, and if they could not extort this from others, then to kill themselues, and call

Iob 2. 2.

Daneus in Aug. de Hæresib. c. 69 Prateolus verbo Circuitores Alf. Castro. verbo Ecclesia, & Martyrium.

call all this Martyrdome. For onely of this vicious inclination of *Iesuits* to an imaginarie Martyrdome, I purpos'd to speake in this Chapter; but that being occasioned by the way, to deale with men of a various vncertaine Constitution and Nature, I haue taken part of their fault, and as a *Phisitian* comming to cure, sometimes receiues some of the Patients infection, so speaking of their running and wandring, I haue strayed somewhat from the directnesse, and strictnesse of my purpose.

29 Therefore to pursue it now, they are so much more intemperate and importunate vpon this *Pseudo-Martyrdome*, then any others; by how much they are more seuere maintainers and encreasers of those Doctrins of the Roman Church, which we noted to beget this inclination. For when the spirit of God awaked certaine Reformers of his Catholicke Church, of which the Romane Church had long time beene the head, that is, the *Principall* and *most eminent*, and *exemplar member* (for I am euer loth, to seeme to abhorre, or abstaine from giuing to that Church, any such Stiles and Titles, as shee is pleas'd and delighted in, as long as by a pious interpretation thereof, her desire may thereby be satisfied in some measure, our Churches not iniur'd nor preiudiced, and the free spirit of God, which blowes where it pleaseth, not tied nor impriſon'd to any place, or

perſon) at that time, I ſay, theſe ſeruants of God, and of his Church, had no purpoſe to runne away from her, and leaue her diſeaſes to putrifie and feſter within her bowels. Nor did they vncouer her nakednesſe, out of any petulancie of their owne, nor proclaime her filthineſſe to defame or diminiſh her dignitie. But with the libertie of a Midwife, or Phiſician, or Confeſſor, they ſurueyd her ſecreteſt infirmities, they drew to the outward and viſible parts, that is into conſideration, her inwardeſt corruptions, and ſo out of that duetie, were enforced to looke into and bee conuerſant about her Ordures, and other foulenesſes, and could not diſſemble nor forbeare, earneſt, and bitter informing her of her owne diſtemper and danger, which was a worke of more zeale and humilitie, then thoſe childiſh obediences, which you ſo much extoll in your Diſciples, of ſweeping Cobwebs and waſhing diſhes.

30 And they proceeded ſo wiſely, and temperately, and bleſſedly herein, that in a ſhort time many of her ſwellings were allay'd, and her indurations ſomewhat mollified, as appeares by the Colloquies, and conſultations in many places, for a moderate and manerly way of purging her corruptions. For certainely her diſeaſes were not then ſo much in queſtion or doubt, as whether it were for her honour, to be beholden to ſo meane Perſons for health, as theſe beginners were: Or for

for her safetie to trust her selfe in such Phisicians hands; for now diuers secular Princes were come to giue their assistance. And as some diseases produce so violent and desperate Symptomes, as the Physician must sometime neglect the maine originall Disease, and attend onely to cure the Accidents: So, though the Doctrine of *Purgatorie*, were at that time no member of the body: That is, no part of the Catholicke faith, but seru'd that body onely for Nayles to scrape and scratche together, Those spirituall Physicians busied themselues much, to paire those Nayles which defaced the beautie and integritie of the whole body, and so to slacken that griping hold, which they had taken vpon mens estates and Consciences, by the terrour of *Purgatorie*, and vertue of their *Indulgences*.

31 And as to both sides, there appear'd euidently in the Doctrine of *Merits*, as the *Schoolemen* (which then Gouern'd in the Church, by reason of the discontinuance of *Councels*) had sawced and disguis'd it, many abominations, derogatorie to the Passion of our *Blessed Sauiour*: So did they all confesse, in the Doctrine of *Purgatory* so many mixtures of coniecturall, incredible, impossible fables, as might haue scandaliz'd and discredited any certaine trueth by their Addition. But when on the one side, the Reformers encouraged by this entrance, thought they might proceede

ceede further, and so offered to dissect and anatomize the whole Church, and thought to fill euery veine, and restore and rectifie euery Sprane and dislocation, and to take off euery Mole, and paire away euery Wemme, and to alter euen the fashion of her clothes, so that all, both substance and ceremony came in question: And the Romane Church on the other side, foresaw her precipitation, that if they stop'd not at the toppe, they could not at the middle of the hill, thought it better not to beginne, then not to know where to end, and so mistaking the medicine to be worse then the disease, departed from further consultation, iustified their corruptions, and by excommunications put away those seruants, which had done them these offices, and whom now they call *Schismatiques* and *Heretiques*, for departing from that Church, which would affoord them, not onely no wages, but no other roome, then a fire.

32 And then, as all recidiuations and relapses, are worse then the disease, vpon this relapse, came the Councell of *Trent*, which did couer and palliate some of these vlcers, and promised the cure of the rest, though they neuer went about it yet; And then the *Iesuites*, who crie that all there is health and soundnesse, and that there is none any where else, yea that the Church was borne thus, and that she is as well, as she was in her Cradle, and that whatsoeuer she thinkes, or saies, or does

is

is by a diuine power, inherent in her; as though there had beene sowed in her at first certaine seedes of *Iure Diuino*, which now in our age, by the cultiuating, and watering, and industry of the *Iesuites* must fructifie and produce in her, all these effects. For they will abate nothing; their consciences are as tender and delicate, as the ground at *Coleyne*, where some of S. *Vrsulaes* eleuen thousand Virgines are buried, *which will cast vp againe in the night, any that is enterred there, except shee were of that company, though it be a childe newly baptized:* So the *Iesuites* stomaches cannot indure this, that the Popes should be great by Priuiledges of Princes, or Canons of Councels: but all must be *Iure Diuino*. So that that note, which the law casts vpon some Aduocates, will lie heauie vpon the *Iesuites, They are too carefull of their cause, and therfore they are presum'd to inuent falshood:*

Baron. Martyrolo. 21. Oct. ex Lindano.

Par. de puteo. De Syndic. c. de excess. Aduocator nu. 15.

33 For though it be hard for any man to goe further on the left hand, then the Councell of *Trent* hath done, in these two doctrines of *Merite* and *Purgatrry*, and euery Catholique be bound to that Councell, yet as in most other Doctrines, so in these also, *Pelargus* hath noted the *Iesuites* to haue gone beyond others, and therefore more then others, they incite, in these points, to a false Martyrdome.

Pelargus de Nouo Iesuitismo

34 But as the late inuention of Artillery and Gunpowder, though it haue much horrour and af-

affrightment in it, yet hath not done so much harme, as it threatned, because the fury and violence thereof, hath occasioned men to study more waies of defence and auoidance, so that wee see the warres deuoure fewer men now, then before this inuention came: so hath the impetuous rage and pertinacy of the Iesuits, in oppugning euerie thing which they find not to be at Rome encouraged other Churches to oppose strong defences against them, and superstition swallowes fewer men now, then before these new Enginers laboured to promote and aduance her: And as those instruments of battery which the auncients vsed in the warres, were more able to ruine and demolish, then any which are made out of this new inuention, but were left off, and dis-accustomed only because they were not so maniable and tractable, and apt for transportation, as these are; So certainely the Arguments and bookes of the Friars, and *Schoolemen* of the Romane Church, which is the *Arsenall* from whence the *Iesuites* prouide and furnish themselues, haue as much force against the truth, as the subtilties of the *Iesuites*, but that these men are by their Rule and Constitutions, apter for conueyance and insinuation, then the dull cloysterall Monkes can be.

35 For there are diuers poysons which cannot work, except they be eiaculated from the creature it selfe that possesseth it, and that his personall and pre-

preſent liuely malignity concurre to it, and giue it vigour; for which theſe *vbiquitary Monks* haue the aduantage of all others.

36 *Nimietates ſunt æqualitates*, ſaies *Caſsianus*. And ſo, two extreamities, haue made the *Schoolemen* and the *Ieſuites* equally valiant: for the *Schoolemen* out of an ignorance of danger, hauing neuer come to hand-blowes, would venter vpon any peece of ſeruice, and any employment, and pierce through and ſpie, euen into Gods ſecret Cabinet of his *Eſſence*, and of his *Counſails*, as a freſh Souldier will goe with alacrity to any breach. And then becauſe theſe ſublime and ayrie meditations muſt haue ſome body to inhere in, they vſed to incorporate their ſpeculations of God, in the Pope; as it were to arreſt and conſerue them the better, being elſe too ſpirituall and tranſitorie. And ſo they haue ſo much exemplified them, one in the other, that they haue made them ſo like, and equall in their writings, as though they were but one.

37 And the *Ieſuites* out of a deſperate neceſsity muſt maintain their ſtation, becauſe if they yeeld one ſteppe, they will be the leſſe able to ſtand in the next; but after they haue confeſſed that the Church hath erred in one thing, thinking that will ſubiect her in all, no place of Scripture is ſo abundantly and euidently pregnant, no reaſon or conſequence ſo directly and neceſſarily deduced,

and concluded, no Hiſtory nor matter of fact ſo faithfully preſented, and ſo certainly and religiouſly teſtified, but they will ſtand ſtubbornly, and deſperately to oppugne and infirme it.

38 What wound ſo euer they receiue in this battaile, they diſguiſe and hide from their Diſciples, by forbidding our bookes. And as *Ribadeneyra* ſayes of their Father *Ignatius*, *That he halted of the wound which he receaued at Pampelune, but ſo little, that the moſt curious could ſcarſe diſcerne that he halted*, So by ſome euaſions, or ſupplements, or concealings, they euer diſſemble their maimes and deformities.

l.4.c.18.

39 To which purpoſe they haue one round and diſpatching way, which is, not onely to neglect, but to bragge of all which we impute to them: for ſo one of them ſayes, *That it is the greateſt Argument of Innocence, to be accuſed by vs: And that he cannot be guilty of error in Religion, whom an Heretique condemnes*. For, as it was part of the Oath of the *Grecians*, againſt *Xerxes*, that *thoſe Temples which the barbarous Armie had demoliſhed, they would not reedifie, that thereby there might bee a continuall teſtimonie remaining of the impiety*, So I thinke the *Ieſuites* flatter themſelues with ſome ſuch reſolution, by leauing vnanſwered the bookes and arguments of ſo many reuerent perſons, which haue ſpoken plentifully and proſperouſly, of theſe points of *Merit* and *Purgatorie*.

Spongia pro Jeſuitis. cont. Equit. Polon. fo. 20

Muretus. Variar. Lection. l. 3. c. 10.

40 But

40 But of their other Doctrine, by which more then others, they prouoke to this lauish, and contemptuous expence of life, which is, *The auiling of the dignitie of Princes*, there can neuer enough be said. For all other Orders may consist, and execute and performe all their vowes, without any iniurie to Princes: They may be as poore as they will, till they come to that state, if they desire it, which *Nerius* begd of God, *That he might lacke a pennie, and no body might giue it him*, They may be as chaste, as that *Iesuite* which *Gretzer* sayes hee knew, *who being not able to scape from a woman which tempted him, and held him, anointed his owne face, retrimentis suis, that thereby she might abhor him*, They may be as obedient as *Cassianus* sayes the *Tabennentiotes* were, *who durst not presume, without leaue of their Superiour, Naturali necessitati satisfacere*; Or as that Friar *Iohn*, *who at his Abbats commaund, planted a dry withered sticke, and twice a day, for a whole yeare, fetched water two miles of, to water it, sparing no festiuall day, nor apprehending any impossibility in it*; Or as Saint *Francis* his Nouice, *who at his bidding set plants, with the head downward.* These things they may doe, and yet be good subiects. But the Supernumerary Vow of the *Iesuites*, by which they doe especially oblige themselues to the Popes will, doth in the nature, and Essence, and scope thereof, make them enemies to the dignitie of all Princes, because their *Soueraigntie* can-

Vita eius. fo. 591.

Gretz. in Hasenmill. fo. 118.

De Institut. Renuntiant. l. 4. c. 10.

Idem l. 4. c. 24.

Sedul. Apolo. l. 2. c. 5. N. 5.

not consist, with that temporall *Supremacie* which the *Iesuites* must maintaine, by the obligation of that vow, by which they are bound, with expence of their lifes, to penetrate any Kingdome, and instill Sedition into their Disciples, and followers.

41 How fast this infection works in them, as by many other Demonstrations, so by this also it appeares euidently, that there are extant more Authors of that one Order, that haue written of Secular businesses, and of Iurisdiction of Princes, then of all the rest, since their beginning. For, their *Casuists*, which handle *Morall Diuinitie*, and waigh and measure sinne (which for all that perplexitie and entangling, we may not condemne too hastily, since in purest Antiquitie there are liuely impressions of such a custome in the Church, to examine with some curiositie the circumstances, by which sinnes were aggrauated or diminished) doe not onely, abound in Number, especially of the *Spanish* Nation, but haue filled their bookes with such questions as these, *How Princes haue their iurisdiction, How they may become Tyrants, What is lawfull to a priuate man in such a case*, and of like seditious nature. So that they haue abandoned the stale, and obsolete names, of *positiue Diuinity*, or *Controuerted*, or *Schoole Diuinitie*; and haue reduced all to *Crowne Diuinity*.

42 And yet they account the handling of these

theſe points, to bee but a dull and obuious learning in their Colledges, as though any man were able to reſolue queſtions againſt Princes; for they haue a Rule, *that they which are vnapt for greater ſtudies, ſhall ſtudy caſes of conſcience.* *Reg. prouincial. 56.*

43 So alſo of the *Immunitie of the Church*, out of which, if it be denied to be by the Indulgence of the Prince, iſſues and reſults preſently the diminution of the Prince, they haue written abundantly, and deſperately. So haue they of the *Inſtitution of a Prince*; of which, one of them writing and preſuming and taking it as vulgarlie knowne, that it is lawfull in ſome caſes to kill a King, is carefull to prouide, leaſt when you goe about to kill him, by putting poyſon in his meat or drink, you make him, though ignorantly, kill himſelfe. So haue they alſo of Militarie inſtitution many Authors; and of as many Iciences as concurre to publique affaires. *Mariana de Rege. l. 1. c. 7.*

44 And with ſuch bookes as theſe they allure and catch ambitious wits; which hauing had a lower and darker breeding in ſchooles and vniuerſities, haue ſome hunger of reading ſtate learning, in any forme, much more, where they ſhall finde it more freely debated vpon, then if they had had place at twentie Councell Tables, or Conſpiracies. And as *Auerroes* is ſaide to haue killed *Auicen*, by anointing the booke which hee knew the other would read, with certaine poi- *Bimfeld. de confeſſ Sagarum. fo 216.*

Pet.Galatin.de verit.Christ.l. 1.c.3.

ſon: and as it is ſaid, that whatſoeuer flew ouer the *Iewes Targum*, whilſt the authour thereof was compiling it, was ſcorched with the beames ther-of, ſo doe theſe bookes of theirs enuenome and catch hold of all ſuch, as bring in themſelues anie deſire to come within too neere a diſtance of them.

45 And of all theſe kindes of bookes, without doubt we ſhould haue had many more, but that, as the gatherer of all the writers of the *Carthuſian* Order, not daring to ſlippe and leaue out the preſent Generall *Bruno*, and finding no books of his making, ſaies, *That ſince he hath an excellent wit, and ſingular learning, he could write many bookes if he had leiſure, and in the meane time, hee tooke care that the miſſall ſhould be printed in a faire character and delicate paper*: So the *Ieſuites*, ſince they haue a vow to binde them to it, and a naturall diſpoſition to incline them, could write more bookes to this purpoſe, but that they are continually exerciſed in diſpoſing actuall plots: And yet in the meane time they take care, that the Popes *Breues* be procur'd, promulged, conceal'd, interpreted, or burnt, as the cauſe may be moſt benefited and aduanced.

Petrei Bibliothe. Carthuſ fo.35.

46 And I do not remember, that I haue found in the Approbation of any *Ieſuits* booke, this clauſe which is ſo ordinary, in moſt of the workes of other men, *Nihil fidei contrarium, aut bonis Moribus*,

bus, aut Principibus: And yet they say, that in printing their bookes, *there is great caution and diligence vsed, and that they passe the hands of men most intelligent, and of mature iudgement:* but, as it seems by this remarqueable omission, no good subiects nor fauourers of Princes.

Spagia contr. Equiuoc. f. 78

47 If they doe thus much when they are *Serui papæ*, what will they doe when they are *famuli*? which difference I learned out of the *Missal*, where a *Bishoppe* must pray, *vnà cum me indigno Seruo tuo*; but the Pope, *Famulo*: For he may well be said to be *in Ordinary* with God, since he is one *Ordinary* with him; for so saies *Aluares*, *God and the Pope haue one Consistorie*: and in an other place, *All cases reserued to God, are reserued to his Vicar*: so that by that Rule, what euer God can do, in disposing the matters of this world, the Pope also can do: for there he saies, out of *Hostiensis*, that that direction, *Dic Ecclesiæ*, if the Pope sinne, who cannot be complain'd of, is ment, *Dic Deo, vt conuertat eum, aut Dic Ecclesiæ Triumphanti, vt oret pro eo.*

Missal. Roma. ex Decret. Con. Trid. restitut.

Specul vtriusq; Dignit. c. 1. n. 34 Idem c. 18. n. 7.

48 So when *Bellarmine* who had done sufficiently for the Pope, whilst he was but a *Seruant*, that is an Ordinarie *Iesuite*, came to his familiarity, and household seruice, by being a *Cardinall* in the Consistorie, and so grew more sensible of the Papacy, being now himselfe, as they speake, *Papabilis*, he takes al new occasions, to extoll his Master, and his Throne and Sea: And hauing manie

yeares

yeares neglected his owne defence, and answered such great men as opposed him, onely with such Proctors as *Gretzer*, and *Eudæmo-Ioannes*, vnprouoked he rises vp in the *Venetian*, and in the *English* cause, to establish by new bookes, the new Article of *Temporall authority* in the Pope. And since that, as *AEneas Syluius*, retracted all which he had written before for the *Basil Councell*, when he came to be Pope: so *Bellarmine* when perchance hee would be Pope, hath made a new suruay and Recognition of all his workes; in which, as though he had beene too moderate before, in al those places, which concerne this question, he hath expressed a supple and variable conscience, a deiect slauerie to that Sea, and a venemous malignity against Princes; of which it seemes to me expedient to present a few examples.

Binius To.4. fo.512.

49 I allow not now, saies *Bellarmine*, that which I said before, *That Infidell Princes may not be depriued by the Church, of that Iurisdiction which they haue ouer Christians: for though Durandus doe probably teach so, against Saint Thomas, and I then followed his opinion, yet now the authority of S. Thomas preuailes more with me.* Yet he had seene and considered both their reasons before.

De pont. l. 4. c. 8. §. probatur.

50 In another place he saies, *Now I allow not that which I said before, that Paul appealed to Cæsar, as to his Iudge.* And after, *Whereas I said, that Popes vsed to be chosen by Emperours, the word Emperour, poteſt*

De pont. l. 2. c. 29 §. secundo. De Clerici s l. 1. c. 16. § postea.

potest & forte debet deleri: For (saies he) I followed Gratians Canons, which, as I learned since, are not approued. And againe, *when I said That the Pope was subiect to the Emperour, as to his temporall Lord, I meant De facto, not De iure*: and this course he holdes in that booke of Recognitions. *De Concil. l. 1 c. 13. § Quarta.*

51 And here we may conueniently conclude this Chapter, of the *Iesuites* speciall aduancing all those doctrines, which incite to this Martyrdome, after we haue produced some of their owne testimonies of their inordinate hunger thereunto, and of the causes for which they affect it.

52 One of their spirituall Constitutions is, *That euery one of that Order must thinke that Christ spoke to him when he said, he that doth not hate his owne life, &c.* And so they make an obligatorie precept, to binde at all times, of that which vvas but a direction for our preparation and readinesse to suffer for his sake. *Constit. 4.*

53 *Ribadeneyra* names two *Iesuites* in the *Indies, which being sicke in bedde, when they might haue escaped, came forth halfe naked, and voluntarily offring their throates, were slaine.* And hee saies that *Simon Acosta* (one of the fiue brothers, who were all of this Order) *declared himselfe to bee a Iesuite, when he was not knowne, that he might be put to death.* And so *Aquauiua, being pursued, refused a horse, by which hee might haue scaped, and chose rather to die, then ride.* And yet this was amongst Infidels, where the Harueſt *Catalog. Scrip. Iesuit. fo. 190.* *Fo. 196.*

was great, and the worke-men few: which kind of intemperance hath beene formerly condemned out of their owne authors.

54 But of this point it is enough to relate the wordes of him, who speakes in the person of all the *Iesuites*; who cals himselfe *Clarus Bonarscius*, but is vnmask'd and disanagrammatiz'd by his fellow, who calls him, *Carolus Scribanius*, he saies, *That the Scæuolaes, the Catoes, the Porciaes, and the Cleopatraes, are nothing to the Iesuites: For they* (saies he) *lacked courage, Ad multas mortes. And in a fewe yeares*, he saies, *they haue had three hundred Martyres*: Therefore he saies, *that they of that Order doe violently teare out Martyrdome, rapiunt spontanea irruptione*; and, *Crederes Morbo adesos*: and for what causes do they this? *Least the rest of their life should be barren of merites, and passe away emptie of glorie*: and then hee passes to them who haue died in *England*; and as in these men, this hunger of false-Martyrdome, goes euer together with blasphemy against Princes, there he heapes Eulogies vpon *Campian*, and reproaches vpon that sacred Prince, for treason to whom he perished, whom this wretch dares call *Anglicanam Lupam*, and after, *Sæuientem Caluinianam lupam*: and after this he saies, *That when they come to this Order, they bargain vpon this condition, vt liceat prodigere animas, hostili ferro.* In which, I thinke, he relates to that Oath, which they take in the Colledge at Rome, by a Constitution of the Pope; *that*

Ribadeneyr. Catal. Script. Iesuit

Amphitheatrum Honoris l. 1. c. 4. § Primo.

Fo. 41.

Fo. 44.

that they shall returne into England, to preach the Catholique faith publiquely there: which Oath *Nauarrus* saies *bindes them so strictly, that they are disabled to enter into any rule of stricter religion, though that were a further degree of perfection, but must necessarily returne into England*: Of which oath we will say no more, but onely repeat *Baronius* his *Panegyrique*, and incitatorie encouragement, speaking thereof: *The holy societie in her safe sheep-folds hath fatted you, as innocent lambes for this Martyrdome, and she sends you forth to triumphes, and aduances you to Crownes. Be therefore couragious and valiant, you who haue vowed and betrothed your blood by an Oath: for my part, I enuie you, that are design'd and apparant martyres, and wish that my end may be like yours*. And what he assignes for one cause of this Martyrdome, to which he prouokes them, and congratulates their intereſt therein, we declared out of his words before in the shutting vp of the last Chapter, which was *Defence of Ecclesiastique immunity*; that is, debasing, and diminishing of Princes.

Baron. Martyrolog. Decemb. 29.

Nauar. De Regular. Consil. 1.

And thus we haue gone one steppe further: and to the former, which were, That the desire of Martyrdome might be vicious, & that, as the Roman authors obserue in the first times, it had beene so; and, That by the Romane doctrine it must of necesity be so, vve haue added now, that the *Iesuites* more then any, inflame thereunto.

CHAP. V.

That the Missions of the Pope, vnder Obedience whereof they pretend that they come into this Kingdome, can be no warrant, since lawes established to the contrarie, to giue them, or those which harbour them, the comfort of Martyrdome.

IN the end of the second Chapter, I mentioned a Canon of the *Eliberitane Councell*; And as in that place it had this vse and office, to shew that the intemperate and inopportune affectation of Martyrdome, needed a restraint in some, too æmulous thereof, by *Eulalines* Example, So may it very properly and needfully haue a place here, because it showes the reasons, why certaine men were not receiu'd for Martyrs, by the Church.

2 And the Authoritie of this Councell is of great force, as well by reason of the puritie of the time, in which it was celebrated, which was about three hundred and fiue yeeres after Christ, and twentie yeere before the *Nicene* Councell, as especially, in this point of Martyrdome, because it was held in continuing Persecution, and when the danger was imminent in those parts, in which the people needed direction and instruction: And also, because now there is no doubt of the genuine integritie of this Councell. For, though *Bellarmine* imputed some errours to it, as being too

De Imagin. l. 2. c. 9.

seuere

ſeuere againſt ſuch as had ſlipp'd in time of Perſecution, and *Baronius* ſpoke ſometime of it, *Somewhat freely and ſharpely*, ſayes *Binius*, yet after that, he changed his opinion, and hee, and *Binius*, haue now redeem'd all the Canons of that Councell from any imputation. *Ann.55.nu.119.* *Ann.305.nu.42.*

3 Of which Canons, this is the ſixtieth: *That they which breake the Idols of the Gentiles, and are ſlaine by them, ſhall not be receiued into the number of Martyrs: Becauſe, this is not written in the Goſpell, nor found that it was euer done by the Apoſtles.* So that by the opinion of that Councell, that onely is a ſufficient cauſe to intitle and intereſt a man in the Crowne of Martyrdome, *Which was found written in the Goſpell, or practiſed by the Apoſtles.* And is there any thing found in either of them, which may be a precedent to this miſsion? *Chriſt appointed twelue*, whom hee might ſend to Preach; but what? *The Kingdome of God.* And aſſoone as *Saule* had an inward miſsion, the Text ſayes, *Straightwayes he Preached euen in the Synagogue.* But what? *Hee Preached Chriſt*; And what did hee Preach of him? *That he was the Sonne of God*; And *that it was hee that was ordain'd of God, a iudge of quicke and dead*: And, as himſelfe ſayes, of his practiſe after, *We preach Chriſt crucified.* But this miſsion from *Rome*, is not to Preach *Chriſt*, but his *Vicar*: Not his kingdome of *Grace*, or *Glorie*, but his title to Temporall kingdomes: Not how hee *Mat.3.14.* *Luke 9.2.* *Act 9.22.* *Act.10.42.* *1.Cor.1.23.*

shall iudge quicke and dead at his second comming, but how his Vicar shall inquire, Examine, Syndicate, Sentence, Depose: yea, Murder Princes on earth: Not Christ crucified, languishing for vs vnder Thorns, Nayles, Whippes & Speares, but his Vicar enthron'd, and wantonly groning vnder the waight of his Keyes, and Swords, and Crownes.

Matth.10.27. 4 *Christ* said to those whom he sent, *What I tell you in darkenesse, that speake you in light, and what you heare in the eare, that Preach you on houses, and feare not them that kill the body.* And if no other thing were told you in darkenesse, and whisper'd into your ears, at your misions hither, then those which our Sauiour deliuer'd to them, you might be as confident in your publicke Preachings, and haue as much comfort of Martyrdome, if you died for executing such a Commission. But what your instructions deliuered in darkenesse, and told in your eares, are, appeares now enough, by *Inspection*, by *Confession*, by *Testimonie*, by *Practise*, by *Analogie of your doctrine*, and by *Baronius* words, *That you are sent hither to defend the immunities of the Church*, which deliuers you from all subiection to the King, and from being Traytors whatsoeuer you attempt: as also to defend the *Catholicke* Faith, which first makes it heresie to depart from the subiection to Rome, and then makes it a forfeiture of all Iurisdiction to incurre that heresie.

Martyrolog. Decemb.29.

hereſie. Except this be *written in the Goſpell, or practiſed by the Apoſtles*, you cannot be Martyres for this.

5 But to deſcend to reaſons of a lower nature, of the law of Nations, and conueniency and decency; ſince all thoſe which maintaine the *Spaniſh* Expeditions, and proceedings in the *Indies*, by the ſtrength of the Popes *Donation*, concurre in this, *That into what place ſoeuer the Pope, or any Princes may ſend Prieſts, they may alſo ſend Armies for the ſecurity of thoſe Prieſts, and them whom they haue reduced*: and ſince it is euident by all your Writers, that *the Pope hath more Iuriſdiction ouer Chriſtian Princes relapſed from Rome, then ouer Infidels*, might hee not for ſafe-guard of his *Apoſtles*, ſende Fleetes and armies hither? and is it not the common and receiued opinion, which *Maynardus* deliuers, *that in all caſes where the Pope may enioyne, or commaund any thing, he may lawfully proceede by way of warre, againſt any that hinder the execution thereof.* If then ſuch armies and Fleets were ſent to conduct you, and were reſiſted in their landing, or defeated in battell; had not they as good title to Martyrdome as you? and may not the Pope as well Canonize the whole *Spaniſh* Fleete, which periſhed in 88. for your Catholique faith, and Eccleſiaſtique immunitie? ſince in many caſes, as in the *Innocent children* (of whom *Hilary* ſaies, that *they were exalted to eternity, by Martyrdome*) one may bee an implicite

Alf. Aluares ſpec. vtri Dig. c. 31. N. 1, 2, 3, & 12, 16, 17. & ca. 41. 12. Azor. Mor. Inſt. par. 2. l. 4 c. 18. & par. 1. l. 8. ca. 24.

De priuileg. Eccles. Ar. 10. n. 25

Comment. in Mat 1. in fine.

cite Martyre, though he know not why he died, so he haue no actuall reluctation against it.

6 And it is very probable, that their title was better then yours, for this point of *sending*, because they were vnder the obedience of them which sent them: but for you, (not to dispute now whether the cause be enough for Martyrdome, or whether your obedience can giue it that forme, and life, and vigour) you are so farre from being sent, or from exercising any obedience in this act, that your first step, which is going out of the kingdome, is absolutely and euidently disobedience to your Prince, before you haue any colour of hauing submitted your selfe to any other superiour; and then you enter into the *Colledge*, vppon condition that you may returne, and you take an *Oath* before hand that you will returne: So that you returne not hither in obedience of your *Superiour*, but in performance of your owne vniust, and indiscreete *Vowes*: both which, in all Vowes, are *Annulling* or *vitiating* circumstances. Neither dooth this Oath so farre binde you to returne, (though *Nauarrus* say so) but that one of the learnedst of the *Iesuites*, thinkes, *If that be forborne, and some Order of Religion embraced in stead thereof, the oath is better performde.*

Azor. par. 1. l. 11. c. 5. §. Animadvertendum.

7 And, if these lawes which take holde of you, when you returne hither, had been made betweene the time of your vowe, and your returning:

ning: and if they had beene made directly to that end, to interrupt and preclude the performance of this Vow, yet naturally they would worke the same effect vpon this Vow of yours, and make it voide, because something was now interpos'd, which may iustly, yea ought to change your purpose: For if that law had beene made before, your Vowe had beene vniust from the beginning; which is the case of as many of you, as haue gone since the making of those prohibitory lawes. For *a law which forbidds vpon paine of losse of goods, death, banishment, or such, bindes a man vpon paine of mortall sinne*; and therfore no Vow can iustifie the breach thereof.

Sayr. Thesau. Cas. Consc. l. 3. c. 7 nu. 25.

8 All this, if the lawes be iust, is euident and without question, and how could it be euident to all those yong Schollers which went ouer, and made this vowe, that these lawes were vniust? What infallible assurance could they haue of this, to excuse them of *disobedience* in going, or *indiscretion* in swearing?

9 Their owne men teach, that *the lawes of Princes are not therefore necessarily vniust and voide, because the Prince had an ill intention in making them.* As if the Prince propose and purpose particular gaine, by exacting the penalty of the law, or reuenge vpon certaine persons, by executing thereof; this makes not your law voide, so that it be profitable to the bodie of the Common-wealth:

Alf. Castro de potest. legis. l. 1. c. 5. Docum. 1.

much leſſe were our lawes in this caſe, ſubiect to that frailty, and defeaſeableneſſe, becauſe they were made (to omit in this place the principall inducement, for the glorie of God, and preſeruing his *Goſpell* in purity and integrity) in ſuch neceſsities, as without ſuch defence, the perſon of the Prince, and the ciuill and Eccleſiaſt queſtate, muſt haue ſuffered daily, and dangerous fluctuations, and perils of ſhipwracke; which dangers continue vpon vs yet; and therefore the ſame phyſick muſt be continued.

10 For *Lawyers* teach vs, that the word *Poteſt, doth often ſignifie Actum*: And what the Pope *may* do, their bookes threaten in euery leafe; and then *againſt ſuch a man as vſeth to doe as much as hee threatens*: the *Lawyers* tell vs, *any defence is lawfull, euen to the taking away of the threatners life: For hee which hath iniured one, hath threatned many*; And againſt ſuch all waies of defence are iuſt, when any danger (to vſe the extent of Lawyers) are *Meditated, Prepared, Likely*, or *Poſſible*, for it is a beggerly thing, rather to be beholden to others modeſtie and abſtinence, then to our owne Counſaile and ſtrength for our ſecuritie. So that, as when the three Emperours, *Valentinian*, *Valens* and *Gratian*, had made a lawe, *that no Eccleſiaſtique perſon ſhould haue any capacity to receiue from noble women*, who were then obſerued to bee profuſe in theſe liberalities, to the detriment of their own eſtates, and

Bartol. Dig. Indi. Sol. le. 4. §. Si reus. Aluares ſpec. vtr Dignit. c. 41. n. 10 ex multis alys.

Gent. de Iure belli. l. 1 c. 14

Cod. Theodoſ. de Ep. & cler. le. 20.

and of the publique, Saint *Hierome* saies; *Hee did not grieue that such a law was made, but that the couetousnesse of the Clergy had occasioned these most religious Princes to make that law*: So you ought rather to lament, that the *Doctrine* and *practise* of some of your principall men, hath raised these iealousies and suspitions in a Prince, out of the conscience of his owne equalitie naturally confident, then murmure at the law, or dis-councell the obedience to it. Epist. ad Nepotia

II For in these cases of *naturall preseruation*, it is not onely lawfull to make new lawes, but to breake any other, which are not directly Diuine. And if you impute the worst condition of these lawes, which malignitie can obiect to them, which is, that those Catholiques, which are innocent, which meerely out of conscience, abstaine from communicating with vs, in the Word and Sacraments, shall be vtterly starued and depriued of all spirituall sustentation; if the lawes which forbid all Priests to enter, should be still executed; yet that inconuenience will not annull and make voide a law, so farre, as that to doe against it shall be a iust cause of *Martyrdome*: for in making of lawes, *those euils which doe occasionally or consequently arise from the execution thereof, must not be considered, but what the principall intention of the law-maker was*: Which, in our case was, the preseruation of the publique. Aluares spec. vtr. dign. c. 41. n. 7.

12 And yet the Catholiques in England shall for all this be in as good condition here, as they should be in any Catholique Countrie, which were by the Popes displeasure vnder a *locall Interdict*; which the Popes doe often impose, with small respect to the Innocents: for in the late businesse betweene the *Church* and the State of *Venice* by the Popes *Breues*, *the whole Dominion was Interdicted*, because the *Senate*, which onely was excommunicated, did not within three daies do all those acts, which were so derogatory to the Soueraignty of that State. And so, that punishment, which is so seuere, by the *Canons*, that as *Boniface* the eight obserued, *It occasions many Heresies, and indeuotion, and many dangers to the soule*: And, as the *Glosse* saies there, by experience it appeared, that *when a place had lien long vnder an Interdict, the people laughed at the Priests, when they came to say Masse againe*; was inflicted vpon many Millions of innocent persons: all which, if that State had not prouided for their spirituall food by staying the priests, had bin in as ill case by that *Interdict*, and euocation of the Clergie, as the Catholiques in *England* were by those lawes of interdicting their entrance, considering with how much lenitie in respect of their extreame prouocations, they were executed. And if that relieue which *Vgolini* giues to comfort the *Venetians* consciences, be of any strength, which is; *that that which they loose in spirituall sustenance, they*

De sent. Excom. Alma mater in sexto. Verbo, Insurgunt

De Interd. Ver. §. 1. nu. 11.

gaine

gaine in the Merite of obedience, it may as effectually worke vpon Englisſh Conſciences, as it could vpon theirs.

13 Nor is it ſo harſh and ſtrange, as you vſe to make it, that Princes ſhould make it *Treaſon*, to aduance ſome Doctrines, though they be obtruded as points of Religion, if they inuolue *Sedition*, and ruine or danger to the State; for the Law ſayes, *That is Maieſtatis crimen, which is committed againſt the ſecuritie of the State*; and in that place, it cals *Securitie, Tranquilitie:* And whether our *Securitie* and *Tranquilitie* haue not beene interrupted by your doctrine, your ſelues can iudge, and muſt confeſſe. *Dig. ad Ley. int. Maieſt. tit. 4. le. 1.*

14 Theſe Lawes againſt which you complaine, drewe not in your Prieſts which were made in Queene *Maries* time, though they were *Catholicke* Prieſts, and exercis'd their Prieſtly function; and though they had better meanes to raiſe a partie in *England*, becauſe they were acquainted with the ſtate, and knew where the ſeedes of that Religion remain'd: But in that *Catholicke* Religion of which they were Prieſts, they found not this Article of *Tumult* and *Sedition*, and withdrawing Subiects from their obedience.

15 Is there not a *Decretall* amongſt you, by which it *Is made Treaſon to offend a Cardinall?* which is a *Spirituall* offence; For it is alſo *Sacriledge*. And *In 7°. tit. 4. c. 3.*

Ibid. tit. 3. c. 3. is there not another by which *All practisers by Simoney in a conclaue, though they be Ambassadours of other Princes, are punished as Traytors? And if their Masters seise not their goods, confiscate by this Treason, within a certaine time, the Church may.* Doeth not one of your owne Sect vige a Statute in *Poland*, against a Gentleman of that Nation, *That whosoeuer shall be infected or suspected of heresie, shall be apprehended as a Traytor, by any man though he bee no Officer?* And we Dispute not now whether your Doctrine be *Heresie*, but whether such points of Religion, as are no Articles of Faith, nor deriued from them, if they be *Seditious*, may not be punished as *Treason*, and properly enough call'd *Treason*. In which *Pius* the second hath clear'd vs and giuen vs satisfaction, who sayes, That *to appeale to a future Councell, is not onely Heresie, but Treason*. And *Simancha* concurres to that purpose, when hee sayes, That *they which haue beene teachers of Heresie, cannot be receiued though they recant in Iudgement, because it is enough to forgiue one fault, but such are guiltie of two deaths, and must bee punished, as enemies to the State; And that therefore he which attempts to corrupt the King or his Queene, or his Children with Heresie, is guiltie of Treason.*

Spongia Contra. Eq. Polon. fo. 29.

Epist. ad Norimbergens.

Enchirid. Ind. tit. 56. nu. 5.

16 And that there is a *Ciuill* trespasse in *Heresie*, as well as a *Spirituall*, appeares by confiscation of their goods in your Courts, which goods and temporall detriments, though the offenders bee pardoned

pardoned, and receiu'd into the bosome of the Church, and so the *Spirituall* offence be remitted, are neuer to be restored, nor repaird. If therefore the *Canon* Lawe can extend to create *Treason* in a *Spirituall* cause: If amongst you, as it is *Heresie* to beleeue, so it is Treason to teach, that there is no Purgatorie, shall it not be lawfull to a Soueraigne and independent State, to say by a Law, That he which shall teach, *That a Priest cannot be a Traytor though he kill the King: and except a King professe intirely the Romane Faith, he hath lost all title and Iurisdiction*, and shall corrupt the Subiects with such seditious instillations as these, shall be guiltie of Treason?

17 The *Parliament of Paris* in that Arrest and sentence, by which it condemn'd the *Iesuites* Scholler *Chastel*, who attempted to murder the King, makes it Treason to vtter those scandalous and seditious words, which hee had spoken, and which he had receiu'd from *False and damnable instructions* (wherein it intimates the *Iesuites*, whom the sentence in other places, names directly,) which words are expressed or implied almost in all the *Iesuits* Bookes of State matters: That sentence also pronounces all the Iesuites *Corrupters of youth, troublers of the Peace, enemies of the King and State, And if they depart not within certaine daies, Guiltie of Treason.* And this sentence pronounces, *That if any of the Kings Subiects, should send his Sonne*

Sonne out of the Realme, to a Iesuites Colledge, hee should incurre treason.

18 And though your *Expurgatorie Index* can reach into all Libraries, and eate and corrupt there more then all the Moathes and Wormes, though you haue beene able to expunge, yea euert, and demolish the *Pyramis* erected in detestation of you by this Arrest, yet your *Deleatur* will neuer stretch to the scarre in the Kings face, nor your *Inseratur* restore his Toothe, nor your expunctions arriue to the *Recordes* which preserue this sentence.

19 And came it (thinke you) euer into the opinion of the *Catholickes* of *France*, that if a man by vertue or example and precedent of this Arrest, had beene Executed as a Traitor, for speaking those forbidden words, or for sending his Sonne to the Iesuits, he should haue beene by the *Catholicke* Church reputed a *Martyr*?

20 When the *Iesuits* were lately expell'd from *Venice*, and when other Priests which stai'd there, were commanded by Lawes to doe their functions, did either the *Iesuites* apprehend this opportunitie of *Martyrdome*, and come backe, or did the Priests find such spirituall comfort in transgressing this Law, that they offred to goe out?

21 And in all our differences, which fell out in this Kingdome betweene our Kings, and the Popes, when so many capitall Lawes were made against

againſt *Prouiſions* and *Appeales*, (not to diſpute yet whether *de Iure* or *de facto* only, or whether by way of *Introduction*, or *Declaration*) doe you finde that the Catholiques then vſed the benefite of thoſe lawes, to the procurement of *Martyrdome*? or hath the blood of any men executed by thoſe lawes, died your *Martyrologes* with any *Rubriques*? And yet thoſe times were apt enough to countenance any defender of *Eccleſiaſtique immunity*, though with diminution of Ciuill and Secular Magiſtracie, as appeares by their celebrating of *Becket*: yet I find not that they affoorded the title of *Martyre* to any againſt whom the State proceeded by the Ordinary way and courſe of law.

22 Why therefore ſhall not the *French*, and *Italian*, and olde *Engliſh* lawes giue occaſion of *Martyrdome* in the ſame caſes, as theſe new lawes ſhall? At leaſt why ſhould *Campian*, and thoſe which were executed before theſe new ſtatutes, be any better *Martyres* then they? ſince they were as good Catholiques as theſe, and offended the common law of England in the ſame point, as theſe. But if the Breach and violating of the later ſtatutes, be the onely or liueliеſt cauſe of *Martyrdome*, then, of *Parſons*, who euery day of his life doth ſome act to the breaking thereof, it is verie properly ſaid by one of his owne ſect, *That hee is per totam vitam martyr.* *Ribaden. Catal. ſcrip. Jeſuit. fo. 109.*

23 And this may ſuffice to remember you, that

you *intrude* into this employment, and are not *sent*, and that our Lawes ought to worke vpon your Oath, of returning to the annihilation thereof, because both the necessitie of the making and continuing thereof, and the precedents of our owne, and other Catholicke Kingdomes, giue vs warrant to make seditious Doctrine *Treason*, and your owne *Canons* and *Iudicature* giue vs example, and (if we needed it) Authoritie to proceede in that maner.

CHAP. VI.

A comparison of the Obedience due to Princes, with the seuerall obediences requir'd and exhibited in the Romane Church; First, of that blind Obedience, and stupiditie, which Regular men vowe to their Superiours: Secondly, of that vsurped Obedience to which they pretend by reason of our Baptisme, wherein we are said to haue made an implicite surrender of our selues and all that we haue, to the Church; And thirdly of that Obedience, which the Iesuits by a fourth Supernumerarie vowe, make to be dispos'd at the Popes absolute will.

THere hath not beene a busier disquisition, nor subiect to more perplexitie, then to finde out the first originall roote, and Source, which they call *Primogenium subiectum*, that may be so capable of *Power* and *Iurisdiction*, and so inuested with it immediately

mediately from God, that it can transferre and propagate it, or let it passe and naturally deriue it-selfe into those formes of Gouernement, by which mankind is continued and preserued; For at the resolution of this, all Questions of *Subiection* attend their dispatch. And because the *Clergie* of the *Roman* Church, hath with so much fierce earnestnesse and apparance of probablenesse, pursued this Assertion, That *that Monarchall forme, and that Hierarchie, which they haue, was instituted immediately from God;* Many wise and iealous *Aduocates* of *Secular Authoritie*, fearing least otherwise they should diminish that Dignitie, and so preuaricate and betray the cause, haue said the same of *Regall* power and Iurisdiction. And euen in the Romane Church a great Doctor of eminent reputation there, agrees (as he sayes) *Cum omnibus sapientibus*, That *this Regall Iurisdiction and Monarchie* (which word is so odious and detestable to *Baronius*) *proceedes from God, and by Diuine and naturall Law, and not from the State or altogether from man.* And as we haue it in *Euidence*, so we haue it in *Confession* from them, that *God hath as immediately created some Kings, as any Priests.* And *Cassanæus* thinkes this is the highest *Secular Authoritie* that euer God induced: For he denies *That old or new Testament haue any mention of Emperour.*

Fra. a Victor. Relect. de Pot. Ciuil. nu. 8.

Catal. Glor. pa. 5 Consid. 28.

2 But to mine vnderstanding we iniure and endanger this cause more, if wee confesse that

that *Hierarchie* is so *Immediately* from God as they obtrude it, then we get by offering to drawe *Regall* power within the same Priuiledge. I had rather thus farre abstaine from saying so of either, that I would pronounce no farther therein, then this, That *God* hath *Immediately* imprinted in mans Nature and Reason, to be subiect to a power immediately infus'd from him; and that hee hath enlightned our Nature and Reason, to digest and prepare such a forme, as may bee apt est to doe those things, for which that *Power* is infus'd; which are, to conserue vs in *Peace* and in *Religion*: And that since the establishing of the Christian Church, he hath testified abundantly, that *Regall Authoritie*, by subordination of *Bishops* is that best and fittest way to those ends.

Tannerus de libert. Eccles. l. 2. cap. 5.

3 So that, that which a *Iesuite* said of the Pope, That *the Election doth onely present him to God*, wee say also of a King; That whatsoeuer it be, that prepares him, and makes his Person capable of *Regall Iurisdiction*, that onely presents him to *God*, who then inanimates him with this Supremacy immediately from himselfe, according to a secret and tacite couenant, which he hath made with mankinde, That when they out of rectified Reason, which is the Law of Nature, haue begot such a forme of Gouernement, he will infuse this *Soule* of power into it.

4 The way therefore to finde, what Obedience,

dience is due to a King, is not to seeke out, how they which are presum'd to haue transferr'd this power into him, had their Authoritie, and how much they gaue, and how much they retain'd; For in this *Discouerie* none of them euer went farther, then to *Families*; In which, they say, *Parents* and *Masters* had Iurisdict on ouer Children, and Seruants; and these *Families* concurr'd to the making of *Townes*, and transferr'd their power into some *Gouernour* ouer them all.

5 But, besides that this will not hold, because such *Sauadges* as neuer rais'd *Families*, or such men as an ouerburdned kingdom should by lot throw out, which were peeces of diuers families, must haue also a power to frame a forme of Gouernement, whereseoeuer they shall reside, which could not bee if the onely roote of Iurisdiction were in *parents* & *masters*; This also will infirme and ouerthrow that Assertion, that if *parents* and *masters* had not this *supreme Soueraignty*, which is requisite in Kings, they could not transferre it into Kings, and so Kings haue it not from them: And if they were Soueraignes they cold not transfer it, for no *Soueraigne* can deueest himselfe of his Supremacie.

6 *Regall* authority is not therefore deriued from men, so, as at that certaine men haue lighted a King at their Candle, or transferr'd certaine *Degrees of Iurisdiction* into him: and therefore it is a cloudie and muddie search, to offer to trace to the

first roote of *Iurisdiction*, since it growes not in man. For, though wee may goe a steppe higher then they haue done which rest and determine in *Families*, which is, that in euery particular man considered alone, there is found a double *Iurisdiction* of the *soule* ouer the *body*, and of the *reason* ouer the *appetite*, yet those will be but examples and illustrations, not Rootes and Fountaines, from which *Regall* power doth essentially proceede. *Sepulueda*, whom I cited before, saies well to this purpose; *That the soule doth exercise, Herile Imperium vpon the body*: and this can be no example to Kings, who cannot animate and informe their Subiects as the soule doth the body. But the power of our *reason* vpon our *appetite*, is, as he saies pertinently, *Regale Imperium*; and Kings rule subiects so as reason rules that.

De regn. & reg. offi. l. 1.

7 To that forme of Gouernement therof for which rectified reason, which is Nature, common to all wise men, dooth iustly chuse, as aptest to worke their end, God instils such a power as we wish to be in that person, and which wee beleeue to be infused by him, and therefore obey it as a beame deriued from him, without hauing departed with any thing from our selues.

8 And as the end of this power, is alwaies one and the same, *To liue peaceably and religiously*, so is the power it self, though it be diuersly complexioned, and of different stature; for that naturall light and

and reason, which acknowledges a *necessity* of a *Superiour*, that we may enioy *peace*, and *worshippe God*, did consent in the common wish and tacite praier to God, and doth rest in the common faith and beliefe, that God hath powred into that person all such authority as is needefull for that vse; Therefore of what complexion soeuer the forme of gouernement be, or of what stature soeuer it seeme, yet the same authority is in euery *Soueraigne* State: thus farre, That there are no Ciuill men, which out of *rectified Reason* haue prouided for their *Peaceable* and *religious* Tranquility, but are subiect to this *regall* authority, which is, *a power to vse all those meanes, which conduce to those endes*.

9 For those diffrences which appeare to vs in the diuers formes, are not in the essence of the *Soueraignty*, which hath no degrees, nor additions, nor diminutions, but they are onely in those *instruments*, by which this Soueraignty is exercised, which are ordinarily called *Arcana*, and *Ragion di stato*, as I noted before: and as the soule it selfe, hath as good vnderstanding in an *Idiote*, and as good a *memory* in a *Lethargique* person, as in the wisest and liuelyest man; So hath this *Soueraignty* in euery state equall vigour, though the *Organes* by which it workes be not in all alike disposed. And therefore the gouernement amongst the *Iewes* before *Saule*, was fully a *Kingdome* in this acceptation: nor did they attend any new addition to this

Sepulued.de regn.& reg. offi. l.2.fo.91.

this power, in their solicitation for a *King*: but, because they were a people accustomed to warre, they wished such a *Soueraigne* as might lead their *Armies*; which office their *Priestes* did not; and they grudged that their enemies should be conduced by better persons then they were.

10 And so, though some ancient *Greeke* States, which are called *Regna Laconica*, because they were shortned and limited to certaine lawes, and some States in our time seeme, to haue *Conditionall* and *Prouisionall* Princes, betweene whom and Subiects, there are mutuall and reciprocall obligations; which if one side breake, they fall on the other, yet that *soueraignty*, which is a power to doe all things auaileable to the maine ends, resides somewhere: which, if it be in the hands of one man, erects and perfects that *Pambasilia* of which we speake.

11 For God inanimates euery State with one power, as euery man with one soule: when therefore people concurre in the desire of such a *King*, they cannot contract, nor limitte his power: no more then parents can condition with God, or preclude or withdraw any facultie from that Soule, which God hath infused into the body, which they prepared, and presented to him. For, if such a company of Sauadges, or men vvhom an ouerloaded kingdome had auoided, as vve spake off before, should create a *King*, and re-

reserue to themselues a libertie to reuenge their owne wrongs, vpon one another, or to doe any act necessary to that end, for which a King hath his authority, this liberty were swallowed in their first acte, and onely the creation of the King were the worke of rectified reason, to which God had concurr'd, and that *reseruation* a uoide and impotent act of their appetite.

12 If then this giue vs light, what and whence the Kings Iurisdiction is; we may also discerne by this, what our obedience must be: for *power* and *subiection* are so *Relatiue*, as since the King commaunds in all things conducing to our *Peaceable* and *Religious* being, wee must obey in all those. This therefore is our first Originary, naturall, and Congenite obedience, *to obey the Prince:* This belongs to vs as we are *men*; and is no more changed in vs, by being *Christians*, then our *Humanity* is changed: yet hath the *Romane* Church extolled and magnified three sorts of *Obedience*, to the preiudice of this.

13 The first is, that which they call *Cæcam obedientiam*: which is an inconsiderate & vndiscoursed, and (to vse their owne word) an *Indiscreete* surrendring of themselues, which professe any of the *rules* of Religion, to the command of their Prelate and Superior; by which, like the vncleane beasts, *They swallow, and neuer chaw the cudde*: But this obedience proceeding out of the *will* and *election* Deu. 14.

of them, who applie themselues to that course of life, cannot be of so great authority and obligations, as the other which is *naturall*, and borne in vs; and therefore, farther then it agrees with that; it is not out of rectified reason.

14 And though it seeme scarce worthy of any further discourse, yet I cannot deny my selfe the recreation of suruaying some examples of this blinde and stupid obedience, and false humility, nor forbeare to shew, that by their magnifying thereof, and their illations thereupon, not only the offices of mutuall society are vncharitably pretermitted, but the obedience to Princes preiudic'd and maimed, and the liuely and actiue, and vigorous contemplation of God clouded and retarded.

Cassian. Collat. 24. c. 9.

15 For when a distressed Passenger intreated a Monke to come forth, and helpe his Oxe out of the Ditch, was it a charitable answere to tell him, *That he had bin twentie years dead, & in his graue, and could not now come forth?* Yet it may seeme excusable in them to neglect others, if this obedience make them forget themselues; as certaine youthes whom their *Abbot* sent with Figges to an *Ermit*, loosing their way, sterued in the Desart, rather then they would eate the Figges, which they were commanded to deliuer. Is it likely that when *Mucius* a Monke, at the commaund of his *Abbot*, who bid him *cast his crying Jonne into the riuer and drowne*

Idem de Instit. Renunc. c. 40. l. 4.

Ibid. l. 4. c. 27. & 28.

drowne him, did in the feruor of obedience obey it, God ſhould reueale, *That in that acte, he accompliſhed Abrahams worke*?

16 Are theſe wholſome inſtructions, *That it is a greater pride to doe a good worke againſt the Superiours commaund, then a bad, becauſe they are vices vnder pretence of vertue*? or this, *That it is better to ſinne againſt God, then our ſpirituall Father, becauſe he can reconcile vs to God, but no body to him*? Which doctrine it ſeemes *Heli* had not accepted, when he ſaid, *If one man ſinne againſt another, the Iudge ſhall iudge it, bu if a man ſinne againſt the Lord, who will pleade for him*? How many greater matters muſt they of neceſsity leaue vndiſcuſſed, that profeſſe ſuch tendernesſe and ſcrupuloſity of conſcience, as the late *Ieſuit Gonzaga*, who doubted that when hee had ſaid he would goe, *Ad Domum profeſſorum*, he had ſinned in an *idle word*, ſince he might haue beene vnderſtood well enough though he had left out the laſt wordes? or that he had *ſinned* in anſwering *affirmatiuely* to his Superiours queſtion, *whether he would go to a certaine place*, becauſe he ought to haue left it all to his Superiours will, without any affirmation? Was it due and neceſſary obedience, when deſirous to be inſtructed in that point of *Predeſtination*, and his *Superiour* turning to a place in *S. Auguſtine*, and bidding him *read there*, being come to the end of the page, but not of the ſentence, he durſt not turne ouer the leafe, becauſe he was bid to *read there*?

Idem. Collat. 4. c. 20.

Climachus. Scala. parad. Grad. 4.

1. Sam. 2. 25.

Cepari de eius vita. fo. 196.

Fo. 242.

Fo. 244.

Apol.l.3.c.1.

17 *Sedulius* seemes glad that he had examples enough to furnish a Chapter, *De simplicitate Minoritarum*; and hee seemes to haue much comfort that he is of the same order, as *Friar Ruffin* was, who out of simplicity *cut off a liuing Hogges foote, to dresse for a sicke bodie, and sodde his Birds in the feathers*: who also out of his humility, *desired that he might stinke when he was dead, and that he might be eaten with dogges*. And he saies that *Friar Iuniper* was so simple, that a *Dœmoniaque* possessed man, ranne seuen miles from him, because the diuell could not abide *Patientiam Iuniperi*.

Idem.l.2.c.2.n.2

Idc.l.3.c.14.n.2

L.2,c 5,n.7.

18 Was it not *Prodigium Obedientiæ*, as *Sedulius* iustly calles it, in *Fryar Ruffin to go preach naked*? And were there not some degrees of *spirituall pride* in *Gonzaga*, who is praised because *he had a paire of patched hose in Delicijs*? and that he refused to put on a paire of old bootes, *because a worshipfull man had worne them*? and that when his handes did cleaue with colde, *he would put on no gloues*? Was there not some measure of *Stupid insensiblenesse* in him, when he durst not *spit* in any necessity at his praiers; and that he knew not *how many brothers he had*? And of *desperate prouocation*, when he heard of a plague likely to be in those parts, to *make a vow to visit those which were infected*? And of *murmuring*, when he grudged and grieued, *That he could find out no veniall sinne in himselfe*? And of *Inhumanity*, when *he was sorry, if any body loued him*? And of a feared

Vita eius fo.100

Fo.306.

Fo.326

Fo.225.

Fo.191.

Fo.360.

Fo.220.

Fo.346.

fear'd and shameleſſe *Stubornenesse*, when *he therefore deſir'd to ſpeake in publicke, becauſe hee had an vngracious and ridiculous imperfection in pronouncing the letter R.* And ask'd leaue, *E ſuggeſtu dicere,* (which, I thinke, is to Preach) *in Spaniſh, becauſe he was ſure to be laugh'd at by that meanes, being imperfect in that language?* And doeth it not taſte of an vnnaturall *Indolencie* in him, to ſay no more at the newes of his Fathers death, but that nowe nothing hindered him from ſaying, *OVR FATHER WHICH ART IN HEAVEN*; As if it had troubled his conſcience, to ſay ſo before? Fol. 335. Fol. 288. Fol. 187.

19 Who would not haue beene glad, that ſuch a Preacher ſhould giue ouer, as when Friar *Giles* a Lay man, call'd to him, *Hold your peace Maſter, for now I will Preach*, gaue him his place? Who would wiſh S. *Henrie the Dane* any health, that had ſeene him, *When wormes crawled out of a corrupted Vlcer in his Knee, put them in againe*? Or who would haue conſented to the *Chriſtian* buriall of that Monke, which *Dorotheus* ſpeakes off, if he had died of that *Poyſon*, which hee ſaw his Seruant miſtake for *Honie*, and put it into his Brothe, and neuer reprehended him, before nor after he had eaten the Soppes: But when his Seruant apprehended it, and was much mooued, the maſter pacified him with this, *If God would haue had me eate Honie, either thou ſhouldeſt haue taken* Sedul. Apolo. l. 3. c. 6. n. 1. Engl. Martyrs. Ianua. 16. B. Dorotheus. Doctrina. 7ª.

the Honie, or hee would haue changed the Poyson into Honie. Who would euer haue kept companie with the *Iesuite Barcena*, after he had told him, as he told another *Iesuite, That when the diuell appeard to him one night, out of his profound humilitie, hee rose to meete him, and prayd him to sit in his Chaire, because he was more worthy to sit there then he?* Who would wish Father *Peter* aliue againe, since being dead, he is so afraid of disquieting his fellowes, that he will giue ouer doing of Miracles, for their ease? Or who would not with them all dead, who possessing and filling all good places in their life, will bee content to giue some roome after their death; as Friar *Raynold*, who hauing beene three yeres dead, when another Holy man was brought to be buried in the same Vault, rose vp and went to the Wall, and stood vpright there, that the other might haue roome enough.

Relatione di Diego Torrez. Edit. Venet. 1604 fo. 5. *This Iesuite died in Cusco An. 1598*

Sedul. Apolo. l. 3. c. 24. n. 26.

Id. l. 3. c. 25. n. 18

20 This is that Obedience by which they say, *If a man were dignified so much as to talke with Angels, if his Superiour call'd him, he must come away;* Yea, one of them *Being in discourse with our Lady, when an inferiour Friar call'd him, vnmannerly quitted her.* And of this Obedience is *Ignatius* himselfe especially carefull; *Least* (sayes he) *that famous simplicitie of blind Obedience should decay.* But this Obedience, and all other, are subordinate to that naturall Obedience to your Prince, as Soueraigne controller of all: For in all Obligations the Authoritie

Id. l. 2. c. 5. n. 8.

Epist. ad fratres in Lusitan.

Extra. de Iur. Iur sufficiat. Glo.

tie of the Superiour is euer excepted.

21 And this Obedience must not be so blind, but that it may both looke vpward, what *God*, in his *Lieuetenant* appoints to bee done, and also round about to see, wherein they may relieue others, and receiue from them. They may be circumspect, though they must not be curious. For *Abbayes*, at first institution, were not all *Chappels* but *Schooles* of Sciences, and *Shops* of manufactures. Now they are come to that, that they cannot worke, *Quia Officia longa*. They haue indeede so many Offices, and so many Officers, that they neede not worke. But this strict obedience was impos'd vpon them then, because they were great confluences of men of diuers *Nations*, *Dispositions*, *Breedings*, *Ages*, and *Employments*, and they could be tied together in no knot so strongly, nor meete in any one Center so concurrently, and vniformely, as in the Obedience to one Superiour; And what this Obedience was, and how farre it extended: *Aquinas*, who vnderstood it well, hath well expres'd, *That they are bound to Obey only in those things which may belong to their Regular conuersation.* And this vse and office, that obedience which is exhibited in our *Colledges*, fulfils and satisfies, without any of these vnnatural, childish, stupid, mimique, often scandalous, and sometimes rebellious singularities.

Regul. Benedict. c.48. Declarat.

22.æ.q.104. Ar.5.ad 3m.

22 Any resolution which is but new borne in

in vs, must bee abandon'd and forlaken, when that obedience which is borne with vs, is requir'd at our hands. In expressing of which trueth, Saint *Bernard* goes so exceeding farre, as to say, That *Christ gaue ouer his purpose of Preaching, at the increpation, Mulieris vnius, & fabri pauperis: And because his Mother chid him, when shee found him in the Temple, from twelue yeeres to thirtie, we find not,* sayes hee, *That hee taught or wrought any thing, though this abstinence were contrarie to his determination.* So earnest is that deuoute father, to illustrate our *Blessed Sauiours* obedience, to a iurisdicton which was *Naturally* Superiour to him. And therefore this submission, by our owne *Election*, to another Superiour, cannot derogate from the Prince, nor infirme his Title to our Alleageance or obedience.

Ser. 2. de Resurr. Domini.

23 Another obedience derogatorie to Princes, they haue imagined, connaturall, and congenite with our *Christianitie*, as this is with our *Humanitie*, and conducing to our *Wel-being*, and our euerlastingnesse, as this doeth to our *Being* and temporall tranquilitie; which is, An obedience to the *Romane* Church, and to him, who must bee esteem'd certainely the *Head* thereof, [a] though sometimes *he be no member thereof.*

[a] *Azor. Mor. Instit. To. 2. l. 4. c. 7. § Deinde.*

24 Certainely the inestimable benefits which wee receiue from the *Church*, who feedes vs with the *Word* and *Sacraments*, deserues from vs an humble

humble acknowledgement, and obedient confidence in her: yea, it is *spirituall Treason*, not to obey her. And as in temporall Monarchies, the light of nature instructs euery man generally, what is *Treason*, that is, what violates or wounds or impeaches the Maiestie of the State, and yet he submits himselfe willingly to the *Declaration* and *Constitutions*, by which somethings are made to his vnderstanding *Treason*, which by the generall light he apprehended not to be so dangerous before; So in this case of *spirituall Treason*, which is *Heresie*, or *Schisme*, though originarily, and fundamentally, the *Scriptures* of God informe vs, what our subiection to the Church ought to be, yet we are also willing to submit our selues to the lawes and decrees of the Catholique Church her selfe, what obedience is due to her. He therefore that can produce out of eyther of these *Authentique* sorts of *Records*, *Scripture*, or *Church*, that is, *Text* or *Glosse*, any law, by which it is made either *High Treason*, *Heresie*, not to beleeue, that in my baptisme I haue implied a confession, *That the Bishop of Rome is so monarch of the Church, that he may depose Princes*; or *petit Treason*, that is *Schisme*, *to adhere to my naturall Soueraigne against a Bull of that Bishop*, shall drawe me into his mercy, and I will aske Pardon, where none is graunted, at the *Inquisition*.

25 Else it is most reasonable (and that is euer

most religious) to relie vpon this, That obedience to Princes is taught by Nature, and affirm'd and illustrated by Scriptures. If the question be, how much this obedience must be, I must say, all, till it be proued, either that *Peaceable* and *religious* being be not all the ends, for which we are placed in this world, or that the authority of Kings, exercised by the Kings of *Israell* and the *Christian Emperours*, is not enough to performe these endes. For, to say that a King cannot prouide for meanes of saluation of soules, because he cannot preach, nor administer the Sacraments, hath as much weakenesse, as to say, hee cannot prouide for the health of a City, because he cannot giue physicke.

26 Till then, I shal be deterr'd from declining to this second obedience, by the contemplation of many inconueniencies, and impieties resulting from thence; first, by the *vastnes* of that Iurisdiction. For since they haue taught vs to say so, we may say, *Dominus non esset discretus, vt cum reuerentia eius loquar*, if he had laid the cure of the whole Church and the iudgement of all matters emergent, of *fact* and *faith*, vpon one man; which he hath done, if *Pesantius* say true That *the Pope is, Iure Diuino, directly Lord of all the World:* which booke is dedicated to the present Pope, who by allowing it may iustly be thought to fauour that opinion.

Extrau. Com. de Maior: & Obed. vnam sanctam Addit.

Bertr. § Respondeo & dico.

Alex. Pesant. de immunit. Eccles. & potest. pont. pag. 44

27 How much it is, that they would entitle him to, appeares by their expunction of a Sen-

Ind. Belg. fo: 86

tence

tence in *Roſelli* a *Catholique*, though a Lawyer, *That it is hereticall to ſay, that the vniuerſall temporall adminiſtration is, or may be in the Pope:* vpon which booke mine eye fals often, becauſe you haue beene ſo lauiſh and prodigall in thoſe *expunctions*, that a man might well make a good *Catechiſme*, and an *Orthodox Inſtitution of Religion*, out of thoſe places, which you haue caſt away. And by this one place we ſee what you would haue, For if the vniuerſall adminiſtration of temporall matters be in the Pope, what neede is there of Kings? You would ſoone forget kings, or remember them to their ruine; and looke that kings ſhould do to you, as condemned men are ſaid to haue done to the kings of *Perſia*, *to thanke them that they were pleaſed to remember them.* And *Azorius* will not pardon their modeſty, that ſay, *that the Pope in dealing with temporall matters vſes but a ſpirituall power* (though this in effect worke as dangerouſly) *but he vſeth* (ſaies he) *Abſolutely and ſimply a temporall Iuriſdiction.*

Simancha de Rep. l. 3. c. 7. ex Stobæo.

Azor. To 2. l. 4 c. 19. § Mihi

28 And what can impeach this *Vniuerſall Iuriſdiction*, ſince al matter and ſubiect of Iuriſdiction, that is, all men, may by their Rules be vnder him, by another way, that is, by entring into Religion: for firſt, *Tannerus* the *Ieſuit* ſaies, *If Princes had their authority immediately from God, yet the Pope might reſtraine that authority of theirs, that it ſhould fall onely vpon Lay-men:* For, ſaies another, *He may take from*

De libert. Eccleſ. l. 2. c. 1

Maynardus de priuileg. Eccleſ. Ar. 16. Nu 2.

the Emperour, all his Iurisdiction, therefore any part thereof. And as many as will (saies Bellarmine) may without the consent of their Prince, yea though he resist it, thus deuest their Allegeance, as they might resist their parents if they should hynder them.

Bell. de Cler. l. 1 c. vlt

29 And in contemplation of this *Vniuersall Iurisdiction*, which might be, if it be not, in the Pope; the Iesuite whom we first named, breakes out into this congratulation: *If at this instant all the Princes and all their subiects, would enter into Religion, and transferre all that they had into the Church, would it not bee a most acceptable spectacle to God, and Angels, and Men? Or* (as he laies before) *if their estates were so transferr'd to the Church, though not their persons, could not Ecclesiastique Princes rule and gouerne all these lay men, as well as they doe some others already?* But because, as hee doubts in that place, *Hoc in æternum nunquam fiet*, that all Laymen will come vnder them, they haue prouided that all Clergie men which be vnder them, shall be safe enough, as well by way of *Counsell* (for so *Mariana* modefies his Doctrine, that the Prince should not execute any Clergy man, though hee deseruе it) as by positiue way of *Aphorismes*, as *Emanuel Sâ* doth, That *they are not subiects, nor can doe treason*: and by way of *Fact*, and publique troubling the peace of al Christendome, as appeared by their late attempt vppon *Venice* for this Exemption.

Tanner. l. 2. c. 12, in fine.

De Iustitut. l. 1: c. 10

Aphor. confes. verb. clericus

30 And

30 And as the immenſneſſe of this power auerts me from beleeuing it to bee iuſt, ſo doeth this alſo decline me, that they will not bee brought to tell vs, *How he hath it*, nor *How hee got it*. For as yet they doe but ſtammer, and the Word ſtickes in their iawes, and wee know not whether, when it comes, it wil be *Directly*, or *Indirectly*. And they are as yet but ſurueying their *Euidence*; they haue ioyn'd no iſſue; nor know we whether they will pleade *Diuine Law*, that is, places of Scripture, or *Sub-diuine Law*, which is interpretation of Fathers, or *ſuper diuine* law, which is Decretals of Popes. But Kings inſiſt confidently, and openly, and conſtantly vpon the law of Nature, and of nations, & of God, by all which they are appointed what to do, and enabled to do it,

31 Laſtly, this infames and makes this Iuriſdiction ſuſpicious to me, to obſerue what vſe in their *Doctrine* and *Practiſe* they make of this power. For when they haue proceeded to the execution of this *Temporall* power, it hath beene either for their owne reall and direct profit and aduantage, as in their proceeding with the *Eaſterne Emperours*: And drawing the *French* Armies into *Italy*, and promouing and ſtrengthning the change of the family and race of the Kings in *France*, or elſe the benefit hath come to them by whoſe aduancement that *Church* growes and encreaſes, as in the diſpoſing of the Kingdome of *Nauarre*; Or

at leaſt, the example and terrour thereof magnifies the dignitie, and reputation of that Church, and facilitates her other enterpriſes, for a good time after, as a Shippe that hath made good way before a ſtrong winde, and vnder a full Sayle, will runne a great while of her ſelfe, after ſhee hath ſtricken ſaile.

32 VVhen any of theſe reaſons inuite them, how ſmall cauſes are ſufficient to awake and call vp this temporall Authoritie? The cauſe why *Childerique* was depoſed, was not, ſayes the *Canon*, for his *Iniquities*; but becauſe he was *Inutilis*. And this was not, ſayes the *Gloſſe*, becauſe hee was *Inſufficient, for then hee ſhould haue an aſſiſtant, and coadiutor*; but becauſe hee was *Effeminate*. So that the Pope may depoſe vpon leſſe cauſe, then hee can giue an *aſsiſtant*. For to bee *Inſuficient* for the Gouernement, is more directly againſt the office of a King, then to bee ſubiect to an infirmitie, which concernes his humanitie, not his office.

15.q.6.Alius.

33 And when the officers and Commiſsioners of the Romane Court, come to *Syndicate* Kings, they haue already declar'd, what they will call *Enormities* and *Exceſſes*, by inuoluing almoſt all faults, whether by *Committing* or *Omitting* in generall words; As, *When he doeth not that for which he is inſtituted; when he vſeth his prerogatiue without iuſt cauſe, when he vexes his Subiects; when he permits Prieſts to kiſſe his hands; when he proceeds indiſcreetly, and*

Paris de puteo de ſyndic. Ca. de Exceſſ. Regum.

and without iuſt reaſon; And laſtly, *For any ſuch hunting as they will call intemperate.* To which purpoſe they cite againſt Kings generally thoſe *Canons* which limit certaine men, and times, and maners: And which, as the *Gloſſe* ſayes of ſome of them, are meant *De venatione arenaria, When men out of vaine-glorie, or for gaine, fought in the Theaters with wild beaſts.* And leaſt any ſmall errour in a King might eſcape them, they make account that they haue enwrapp'd and pack'd vp all in this, *That it is all one, whether a King bee a Tyrant, or a Foole, or Sacrilegious, or Excommunicate, or an Hereticke.*

Dist. 86. qui venatoribus.

Par. de Pur. ca. Rex autem.

34 This obedience therfore which we neither find written in the tables of our *Hearts*, nor in the *Scriptures*, nor in any other ſuch *Record*, as either our aduerſary wilbe tried by, or can bind vs, muſt not deſtroy nor ſhake that obedience which is *Naturall* and *Certaine*. *Cyril* hath made this ſentence his owne, by ſaying it with ſuch allowance, *It is wiſely ſaid, That hee is an impious man, which ſayes to the King, thou doſt vniuſtly.* Much more may wee ſay it of any, that affirmes a King to bee naturally impotent, to doe thoſe things for which he is inſtituted; as he is, if he cannot preſerue his Subiects in *Peace* and *Religion*, which the *Heathen* kings could doe; whoſe Subiects had a *Religion*, and *Miniſters* thereof, who wrought vpon men to incline them to Morall goodneſſe here, and

In Io. l. 12. c. 56.

and to the expectation of future blessednesse after death, though not by so cleare nor so direct waies as *Christian* Religion doth.

35 The king therefore defends the *Liberties* of the Church, as the nature of his office, which he hath acknowledged, and Declar'd, and seal'd to his Subiects by an Oath, binds him to do, if he defend the Church of England from foraine vsurpation. And a most learned and equall man hath obserued well, That *in the differences betweene Gregorie the seuenth, and the Emperours, the defence of the liberties of the Church, was the title and pretence on both sides*. And since a *Iesuite* hath affoorded vs this confession, That *the Prince hath this Authoritie ouer Bishops, that hee may call them as Peeres of his Realme*, And since their *Clementines*, or the *Glosser*, yeeldes to vs, *That a Church Prelate may bee a Traytor, because hee holdes some temporalities:* how can they escape from being subiect in all other cases; since their *naturall* and *native* obedience is of a stronger obligation, then the accepting or possessing of these *Temporalities*: for, if *iure Diuino*, the Character of *Order*, did obliterate and wash out the Character of *ciuill Obedience*, and subiection, the conferring of any temporall dignity or possession, could not restore it; for vnder color of a benefit, it should endammage and diminish them, when a little Temporall honour or profit shall draw their spirituall estate and person to secular

Casub. de lib. Eccles. fol. 46.

Azor. Instit. Moral. To. 1 l. 5. c. 14. in fine.

Desent. & re indic. Pastoralis Glossa.

cular iurisdiction: for, as *Azorius* will proue to vs, the king may call a *Bishoppe* as a *Baron* to the Parliament, and as the *Canonist* will prooue to vs, he may call him to the *Barre* as a *Trayter*.

36 To recollect therefore now, and to determine & end this point, the title which the Prince hath to vs by *Generation*, and which the Church hath by *Regeneration* is all one now. For we are not onely Subiects to a Prince, but *Christian* Subiects to a *Christian* Prince, and members as well of the Church as of the Common-wealth, in which the Church is. And as by being borne in his Dominions, and of parents in his alleageance, we haue by birth-right interest in his lawes and protection: So by the *Couenant* of Almighty God to the faithful and their *Seede*, by being born of Christian Parents, we haue title to the *Sacraments*; which the king (to whom, as all the kingdome is his house, so al the Clergy are chaplaines) takes care, that they duly administer to vs which are his sonnes, and seruants.

37 Nor dooth the king and the Church direct vs to diuers ends, one to *Tranquility*, the other to *Saluation*, but *both* concurre in *both*: For wee cannot ordinarily be saued (which seemes to be the function of the *Clergy*) without the exercise of morall vertue here in this life, nor can *Christians* do those morall vertues (which seeme to bee the Princes businesse) without faith, and keeping the

right way to ſaluation, becauſe a *Chriſtian* muſt doe them *Chriſtianly*.

38 For though *Theologall* vertues, *Faith*, *Hope*, and *Charity*, are infus'd from God, yet all religious worſhippe of God is morall vertue. As therefore the office of all *Heathen* Princes, was to conſerue their ſubiects in the practiſe of morall vertue, ſo farre as it was reuealed to their vnderſtanding; So is it now the office of *Chriſtian* Princes to doe the ſame. For God hath now ſo farre enlightned vs to the vnderſtanding of morall vertue, that we ſee thereby, that after God hath infuſed *Faith*, wee make ſure our ſaluation, by a morall obedience to the kings Gouernement, and to their Miniſtery whō his prouidence appoints ouer vs for our inſtruction. So that *Chriſtiā* ſubiects need no higher power then kings are naturally indued and qualified withall, to direct them to *Saluation*; but, becauſe morall vertue is now extended, not in it ſelfe, but to our vnderſtanding, or perchance perfited (for the Fathers denie often, that the *Philoſophers* had any true morall vertues) *Chriſtian* kings muſt now prouide lawes, which may reach as far in their direction, as morall vertue reaches now; and Miniſters, that may teach vs how farr that is, and to conſerue vs in the obſeruation therof: For as, when all things are in ſuch ſort wel compoſed and eſtabliſhed, and euery ſubordinate Wheele ſet in good order, we are guilty of our owne damnati-

nation, if wee obey not the Minister, and the Minister is guilty of it, if hee neglect to instruct vs, so is the Prince guilty of our spirituall ruine, and eternall perishing, if hee doe not both prouide able men to giue vs spirituall foode, and punish both their negligence and our transgressions: So that hee is to account to GOD for our soules, and therefore must haue naturall meanes to discharge that duety well, or else could not be subiect to such a reckoning for his transgressions therein.

39 The last Obedience which I intimated, as preiudiciall to this of kings, is that which the *Iesuites* vowe to the Pope; which is not the same blind Obedience, which I spoke of before, for the *Iesuits* sweare that also to their *Superiours*, before they come to the perfection of this: But, as that is blinde out of *darkenesse*, so this is blinde out of *dazeling*. For they must be instruments in matters of State, and disposing kingdomes.

40 When some Priests in England were examined, what they would thinke of the *Oath of Alleageance*, if the pope should pronounce that it were to be held *De fide*, that hee might depose Princes, they desired to be spared, because they could not pronounce *De futuris Contingentibus*. But these votaries, the Iesuites are not so scrupulous; They can resolue to execute whatsoeuer he shall commaund: perchance they thinke the Pope so much

God, (for Iesuites must exceede in euerything) that in him, as in G O D, there can bee no *Contingency*. And therefore vowing their trauell and labour, to the corrupting and aliening of subiects, to the combustion or translation of Kingdomes, to the auiling and eradication of Princes, they do not vow *De futuris Contingentibus*, but of things euer constantly resolued in the Decree, and Counsell, and purpose of the Bishop of Rome.

41 Though therefore *Mat. Tortus* be no *Iesuite* himselfe, yet in respect of his Master, who was one, I wonder he durst say, *That the Iesuites made no other Vow of obedience to the Pope, then other religious Orders did*; which is such an excuse in their behalf, as no accusation could offend them so much; since their ambition is to serue the Pope by a neerer Obligation then the rest: which appeares euidently enough, in the *Bul* of *Paul* the third, where this fourth vow is repeated.

Sopra la. lettera de palmieri Romilo. Nella Roccolta fo. 183.

42 And is it not a strange precipitation to vow their helpe to all his errours? of which they confesse he may commit many in matter of *Fact*, by mis-information. So that they sweare to execute that, which they are not bound to beleeue to be well commaunded: yea they are not bound to beleeue, that he which commaunds them, is that person whose commaundements by their vow they are bound to doe, and yet they must do them. For though they bee bound to obey the Pope,

Simancha. Catechir. Iud. Tit. 5. nu. 3.

Pope, Yet *they are bound to beleeue that Paul the fift is Pope*: becauſe thoſe Elections haue many vitiating circumſtances, which annuls them. For if they could be certaine, that the *Election* were free from all other corruptions, yet that *Decretall* in the *Septimes*, of *Simoniacall Election*, muſt of neceſſitie keepe all indifferent men in continuall anxietie and perplexitie. For, *if any thing by any Cardinall, were giuen, or promis'd before, though the Election be by way of Aſſumtion and Adoration, when all concurre in it*, which they call, *Viam ſpiritus Sancti*, and therefore not ſubiect to errour; Yet *there is a Nullitie in this Election*, and the holy Ghoſts confirmation workes nothing vpon it, And *the Perſon elected, hath neither ſpirituall nor temporall Iuriſdiction, but looſes all the dignities which he had before, and becomes incapable euer after. And no ſubſequent Act, of Inthroning, Oathes of Obedience by the Cardinalls, nor poſſeſſion, though of long time, can make it good.* And *euen thoſe Cardinals, which were parties to the Simony, may at any time after, depart frō his obedience, & all the reſt of the Cardinals, which do not, forfeit their dignities.* Li. 1. To. 3. c. 1.

43 It is ſcarce poſsible to bee hoped, that in Elections there ſhould be no degrees of that corruption, which this Decree labors to preclude, & which, it takes knowledg, to be ſo clandeſtine, and ſecretly caried, that comming to the point of annulling all thoſe promiſes which were ſo made, your Law expreſſes it thus, *Cum quauis Inexcogitabili*

cogitabili solennitate & formà iurata. And if euer it should breake forth, that any such thing were committed at *Paul* the fift his Election, then hee was neuer Pope: Which, though perchance it will not make voide all his Acts, for some ciuill and conuenient reasons, doth yet show the iniustice, and indiscretion of such a vowe, as binds the Votarie to doe some acts, which were not lawfull for him to doe, except an assured Authoritie of the commander did warrant it.

44 And if that measure which *Aquinas* gaue before of *Blind obedience*, must also serue in this, which is; That *they must obey in all things, which belong to their Regular conuersations*, that is, In all things to which their Rule, and Vowe obliges them, then as no Sea can wall any kingdome against their entrance: So no watchfulnesse can arme any brest against their violence, since the increasing of that *Monarchie* which they must aduance, growes from the decay of others.

22.q.104.*Art.* 5.*ad* 3^m.

45 But I forbeare *Exasperation*; and will here ende this Chapter, by which, I hope, it appeares, that no latter band of Obedience, can slacken this first, which was borne with vs. For, though amongst Lawyers, *To commit my selfe or my cause*, [a] *Liberæ voluntati hominis*, or to bee vsed by him, [b] *Prout voluerit*, amount very farre, and create a large power in him, yet they conclude, That, [c] *In nullo arbitrio, How large so euer, any thing is included which*

Par. de put. de Synd. fo [a] 179. *b.* 192. *c* 193.

which was formerly prohibited. And of these three Obediences which we haue handled, though all the three essentiall properties of all Oathes and Vowes be wanting in them all, yet the *blinde obedience* to your spirituall Superiour, doth especially want *discretion*, and the *implicite Obedience*, imagin'd to bee vowed to the Church in Baptisme, doeth lacke *Trueth*, and that *seditious* and *seruile Obedience* vowed by the *Iesuites* to your Popes wil, doeth want *Iustice.*

CHAP. VII.

That if the meere execution of the function of Priests in this Kingdome, and of giuing to the Catholickes in this Land, spirituall sustentation, did assure their consciences, that to die for that, were Martyrdome; yet the refusall of the Oath of Alleageance doeth corrupt and vitiate the integritie of the whole Act, and dispoyle them of their former Interest and Title to Martyrdome.

WE speake of *Martyrdome* now, in the proper and restrain'd sense and acceptation, that is, of *Consummate Martyrdome*, and so, as *Aquinas* takes it, when he sayes, *Mors est de ratione Martyrij.* I know the Primitiue Church denied it not to them, whom the latter Church hath call'd *Confessors*; So [a] *Ignatius* writes himselfe Martyr; and so doeth [b] Saint *Paul*

22.q.124.Ar.4

[a] *Epist.3.ad Polycarpum.*
[b] *1.Cor.15.31.*

Paul say, that hee dies daily. And sometimes, when the Church enioyed her ease, and was pamper'd with securitie and rest, to excite men to a publicke confession of their Faith, if there arose any case wherein it was needfull, the *Ministers* of that Chnrch, which was euer apter and forwarder to suffer *Martyrdome*, when any long persecution had accustom'd her to the expectation and patience and glorie thereof, then in the times of dull abundance and tranquilitie, would affoord the Title of *Martyrs*, to any persons who suffred any persecution for the testimonie of *Christ*, though they died not: As the Church celebrates the Martyrdome of Pope *Marcellus*, vvho died in Prison. So also sometimes their indulgence allovved that Name, for some *abstinencies* and *forbearings*, if they conduced to the depressing of *Idolatrie*. For so Saint *Chrisostome* sayes, *If thou refuse to be cured by Magique, and die of that sickenes, thou art a Martyr*

Aquin. ibid.

Aduers. Iudeos. Orat. 5.

2 Deuotion is apt to ouerualew other mens actions; And *Bellarmine* confesses out of *Sulpitius*, *That the people did long time deuoutely celebrate one for a Martyr, who after appear'd, and told them that he was damn'd.* So also were those men inclin'd, whom *Alexander* the third reprehendes, *For giuing the honour of a Martyr to one that died drunke.* So doeth another *Iesuite* prooue *Hyrcanus* to bee an *Hereticke*, whom *Albertus Magnus* hath put into

De Purgat. l. 1. c. 7. § Quinto.

Extrau. de Reliquy. Audiuimus.

Serarius Trihæres. l. 2. c. 28.

to his *Litany*, and so drawne into continuall Inuocation euer since. And when *Gregory* the thirteenth made Commissioners to surnay the *Martyrologe*, they found the Histories of Pope *Felix* the second, so various and repugnant, that they were determined to expunge his name, but that opportunely there was a Marble Coffin found, with such an Inscription as alterd them, and relieued the Popes fame. And one principall inducement to the Pope, to come to these solemne *Canonizations*, is, *because before the people did often mistake.*

Binij To.1.f.490

Bellar. vbi supra

3 And this medicine, as it was very late applied (for *Bellarmine* cannot finde, *that the Popes canonizd any in eight hundred yeares after Christ:*) So neither hath it, nor can it naturally extinguish the disease. The most that it can worke, is an Assurance, that they which are publiquely canonized are true Saints: for *Bellarmine* saies, *That it is the opinion of Heretiques, that the Pope can erre in such Canonizations*: and yet, to proue it, he argues but thus: *If we beleeue that there was such a man as Cæsar, why should we not beleeue that which God testifies by miracles*? But how shall wee beleeue, that these miracles are from God, or that he doth them in testimony of that mans sanctity? For that miracles are done, is not enough to constitute a Saint, for wicked men may doe them, say your Authors: And in this case they can proceede no farther, then to an *Historicall* beleefe, that Mira-

Ibid.c.8.§ Dices

Ibid.c.9.§.1. §.Tertio.

Extra. de Reliq. gloss.verb. miraculis.

cles are done. And I had thought that *Bellarmine* had required a better faith at our hands, then *Historicall*, and such as assures vs, that *Cæsar* was, to ground Inuocation of Saints, and to constitute an *Heresie*.

4 And though not in *Bellarmine*, yet in the Pope himselfe, there appeare some scruples of diffidence, and frailty, and fallibility in this acte of *Canonizing*, because, after all his seuerall *Inquisitions* and searches which depend vpon matter of *Fact*, and after his diuers iteration of prayers, *That hee may not erre*, and That *hee may not be permitted to erre*, hee makes at last a publique protestation, *That he intends not by that act, to do any thing against Faith.*

Ceremon. Sacræ. Cap. de Canoniz.

5 But if this can be certaine, That those, and none but those, which are so Canonized, may be publiquely Honoured as *Saints*; yet that disease, of which we spoke before, is not cured hereby. For it is still lawfull *priuately* to worshippe any, of whose sanctity I haue an opinion. Nor is this *priuate* worship, so priuate in *Bellarmines* account, that it may not bee exhibited before others, but onely so priuate as it may not be done, *In the name of the Church, and as though it were instituted by the Church.* So that whole Multitudes, and Congregations may erre still: and this, by the authority of the *Canon* it selfe. For thus *Bellarmine* reasons, with more detortion and weakenesse then becomes

De Purgat. c. 10. §. 1.

comes the cause or his gravity: *In the two Canons*, saies he, *Audiuimus, and Cum ex eo, the Pope forbiades publique worshippe; and therefore, a Contrario, permits priuate.* If then, that worshippe which in those two *Canons* he forbiddes to be *publiquely* exhibited, may *priuately* be giuen, and this *priuateneſſe* exclude not whole Congregations, then whole Congregations may lawfully worshippe as a *Saint*, a man slaine in drunkennesse, which is the case of the first *Canon*, and lawfully worshippe venall and vncertaine *Reliques*, which is in the second *Canon*; since the forbidding of this in *publique*, hath permitted it in this large and open *priuate*, by *Bellarmines* fashion of arguing; who saies also for this, *That the Doctors doe commonly affirme it.*

Extra. de Reliq. C. 1. & 2.

6 And whatsoeuer is said heere of *Saints*, holdes as well in *Martyres*; for with the same faith, that I beleeue a man to be a *martyre*, I beleeue him to be a *Saint*: And so, it seemes, doth that Catholique Priest, who hath lately published a History of English *Martyres*: For that which in the Title he calls *Martyrologe*, in his Aduertisement he calles *Sanctiloge*. And therefore it becomes both our *Religion* and *Discretion*, to consider thoroughly the circumstances of their *History*, whom we admit to the honour of Martyrdome.

7 All Titles to *martyrdome* seeme to me to be grounded vpon one of these three pretences, and

claymes. The first is, to seale with our bloode the profession of some *morall Truth*, which though it be not directly of the body of the Christian faith, nor expressed in the *Articles* thereof, yet it is some of those workes, which a Christian man is bound to doe. The second is, to haue maintained with losse of life, the *Integrity* of the Christian faith, and not to suffer any part the eof to perish or corrupt. The third is, to endeuour by the same meanes to preserue the *liberties* and *immunities* of the Church.

8 By the first way they entitle *S. Iohn Baptist* because he died for reprehending a fault against a *morall Truth*: and that truth being resisted, the *Author* of truth is despised: And therefore all truth is not matter conuenient for the exercise of this vertue, as the conclusions of *Artes* and *Sciences*, though perfectly and demonstratiuely true, are not; but it must be such a truth, as is conuersant about *Christian piety*; and by which *God may be glorified*: which cannot be, except he might be iniured by the denying thereof. So, the *Euangelist* when our *Sauiour* spake of *S. Peters* Martyrdome saies, *He signified by what death hee should glorifie God*: For all Martyredome workes to that end. And this first occasion of *martyrdome* seldome fals out in *Christian* Countries, because in *Christ*, the great Mirrour of all these truthes, we see them *distinctly* and euidently. But sometimes with *Heathen* Princes, before they arriue to this rich and

Ioh.21.19.

preg-

pregnant knowledge, men which labour their conuerſion, begin, or touch by the way, ſome of theſe *Morall dueties*; and if they grow odious, and ſuffer for that, they are perfect *Martyrs*, dying for a *morall Trueth*, and in the way to Chriſt.

9 By the ſecond claime, which is the *Integritie* of Catholicke Religion, the profeſſors of any *Chriſtian* Church, will make a ſpecious, and apparant Title, if they ſuffer perſecution in any other Chriſtian Church. For the Church of *Rome* will call the whole totall body and bulke of the points of their profeſsion, *Integritie* of Religion, and the *Reformed* Churches call, ſoundneſſe, puritie, and incorruptneſſe, integritie. The Roman thinkes *Integritie* hurt by nothing but *Maimes*, and we, by *Diſeaſes*. And one will prooue by his death, that too little is profeſſed, and the other, that too much. But this aduantage we haue, that by confeſsion of our aduerſaries, all that wee affirme, is *True*, and *Neceſſarie*: and vpon good ground we aſſure our ſelues, that nothing elſe is ſo, and we thinke that, a propenſeneſſe to die, for profeſsion of thoſe points, which are not neceſſarie, will not conſtitute a Martyrdome, in ſuch a perſon eſpecially as is of neceſſarie vſe.

10 Amongſt other thirgs which our *Bleſſed Sauiour* warnes his followers, this is one, *That none of them ſuffer as a buſie body in other mens matters, but if he ſuffer as a Chriſtian, let him not be aſha-* 1. Pet. 4. 15.

med, but glorifie God. And in another place, hee cals them blessed: *If others say all maner of euill of them, falsely, and for his sake.* So that the *prohibition* forbids vs, to suffer for those things which doe not certainely appertaine to vs; And the *instruction* ties the reward to these conditions, That the imputations be *false*, That they be imputed *for Christs sake*, that is, to dishonour him, and that we suffer *because we are Christians.*

Matth. 5. 11.

11 Since therefore some of you, at your *Executions*, and in other *conferences*, haue added this to your comfort, and glory of Martyrdome, *That because the Kings mercie hath beene offred you, if you would take the Oath, therefore you died for refusing the same*, (Though your Assertion cannot lay that vpon the State, who hath two discharges; One, that you were condemn'd for other *Treasons*, before that offer; The other, that the Oath hath no such *Capitall* clause in it) yet since, as I said, you take it vpon your Consciences to bee so; Let vs Examine, whether your refusall of the Oath, bee a iust cause to Die, vpon this point of *Integritie of Faith*, by that measure which our Sauiour gaue in his *Prohibition*, and in his *Instruction.*

12 Is it then *any of your matters*, or doeth it belong to you, by your *Doctrine*, and by your *Example*, in refusing the Oath, to determine against Princes Titles, or Subiects Alleageance? If this be *any of your matters*, then you are not sent onely to doe

doe Prieſtly functions; And if it be not, then you ſuffer as *buſie bodies in other mens matters*, if you ſuffer for the Oath.

13 And then, what is imputed to you, which is *falſe* (which is another condition required by *Chriſt*) if you be called traytors then, when after apparant tranſgreſsing of ſuch lawes as make you Traytors, you confirme to vs a perſeuerance in that Trayterous diſpoſition, by refuſing to ſweare Temporall Alleageance? Wherein are you leſſe ſubiect to that name, then thoſe *Prieſtes* which were in *Actuall* plots, ſince *mentall Treaſon* denominates a man as well as *mentall hereſie*? You neither can nor will condemne any thing in them, but that they did their treaſon, before any Reſolution of the *Church*: and haue you any reſolution of the *Church*, for this, *That the King may be depoſed, when he is excommunicated*? If you haue, you are in a better forwardneſſe then they, and you may vndertake any thing, as ſoone as you will, that is, as ſoone as you can. For you haue as good opinions already, and as ſtrong authorities, *That a King of another Religion then Romane, is in the ſtate of an excommunicate perſon, before Sentence*; as you haue for this, *That an Excommunicate King may be depoſed*; And would you thinke it a iuſt cauſe of Martyrdome, to auerre, *that the King is already vnder excommunication*?

14 And (to proceede farther in *Chriſts Inſtruction*)

Elion) are these things said of you for *Christs* sake? Are you (if you be called Traytors for refusing the Oath) reproued for anie part of his Commandements? If it were for exercising your Priestlie functions, you might haue some colour, since all your Catholique Religion, must bee the onely Christian Religion. But can that *state* which labours watchfullie and zealouslie for the promouing of *Christs* glorie in all other things, bee saide to oppose *Christ*, or persecute him in his Members, for imputing trayterous inclinations to them, who abhorre to confirme their Alleageance by a iust Oath?

15 Lastly, can you say, *you suffer as Christians*, that is (as *Christ* there intended) for *Christian* faith, which is principally the matter of Martyrdome? *Aquinas* cites this, out of *Maximus*, *The Catholique faith is the mother of martyrdome.* And he explicates it thus, *That though martyrdome be an act of fortitude, and not of faith, yet as a ciuill man will be valiant to defend Iustice, as the Obiect of his valour, so doth a Martyr, faith.* If then to refuse this Oath, be an obiect for a Martyrs fortitude, it must be because it opposes some point of faith, and *faith is that, which hath beene beleeued euer, and euery where*; And how can that be so matter of faith, which is vnder disputation, and perplexitie with them, and the contrarie whereof we make account, that we see by the light of Nature and Scriptures, and all meanes

22.q.124.Art. 2.ad 1m.

meanes conducing to a diuine and morall certitude?

16 *Leo* the first, in an Epistle to the Emperour, by telling what hath beene, informes summarilie and soundly, what should be a iust cause of Martyrdome. *None of the Martyrs*, saies he, *had any other cause of their suffering, but the confession of the true Diuinitie, and true humanitie in Christ.* And this was then the *Integritie* of faith, in both acceptations; *All*, and *sound*. Which is neither impaired in the extent, nor corrupted in the puritie, by any thing proposed in the Oath. *Epist. 24.*

17 But as *Chrysostome* expounding that place of *Ieremie*, *Domus Dei facta est spelunca Hyænæ*, applies it to the *Priests* of the Iewes, as hardest of all, to be conuerted, so may we apply it to the *Priests* of the *Romanes*, who abhor the Oath, and deter their Schollers. For, *the Hyena*, saies *Chrysostome*, *hath but one backe bone, and cannot turne except it turne all at once.* So haue these men, one back bone, the Church; (for so saies *Bellarmine*, *if we were agreed of that, we should soone be at an end*:) and this Church is the Pope; And they cannot turne, but all at once, when he turnes; and this is the *Integritie* of the faith they talke of. And, as that Father, addes of the *Hyena*, *Delectantur cadaueribus*; they are delighted with impious prouocations to the effusion of bloud, by suggesting a false and imaginarie martyrdome. *In Marc. Hom. 13. To. 2. fo. 270*

18 The third and last iust ground of martyrdome, of those which we mentioned, is *Ecclesiastique Immunitie*, which is of two sorts; one *inhærent*, and *Native*, and *connaturall* to the Church, and the other, *Accessory*, and such, as for the furtherance and aduancement of the worship of God, Christian Princes, in performing a religious dutie, haue afforded and established. Of the first sort are, *preaching the word, administring the Sacraments, and applying the Medicinall censures.* And if any, to whose charge God hath committed these, by an ordinarie calling, loose his life in the execution thereof, with *Relation* to the cause, we may iustly esteeme him a martyr. And so in the second kinde, if onely for a pious and dutifull admonition to the Prince, to continue those *Liberties* to the Church, without which she cannot wel doe her offices, hee should incurre a deadly displeasure, he were also a *Martyr*.

19 And if the Romane Priests could transferre vpon themselues this title to Martyrdome, due to defenders of either of these Immunities, yet by refusall of this Oath, which is an implied affirming of some doctrine contrarie to it, they forfait that interest, by obtruding, as matter of Christian faith, that which is not so: For *Baronius* himselfe (as once before wee had occasion to say) distinguishes the defence of the liberties of the Church, from the Catholique faith; and yet he and many others,

others, makes the defence of these immunities the obiect of Martyrdome: so various and vncertaine is the doctrine of defending those priuiledges, whose ground and foundation they cannot agree vpon.

20 And as all right to the crowne of Martyredome, growing from any of these three titles, perishes by their refusal, for the reasons before expressed: so doth it also vpon this ground, that hee which refuses to defend his life by a lawfull acte, and entertaines not those ouertures of escape, which God presents him, destroies himselfe, especially if his life might be of vse and aduantage to others. For when the Prison was opened to *Paul* and *Silas*, the learned Expositors excuse his stay there, by no other way, then that it appeares, that he had a reuelation of Gods purpose, that he should conuert the Keeper; for otherwise not to haue hastened his escape, had beene to abuse Gods mercie by not vsing it. *Acts 16.*

21 Those lawes from which these conclusions are deduced, *that if a man receiue a Corporall iniurie, and remit the offence, yet the state may pursue it against the trespasser, because no man is Lord of himselfe:* and that *a couenant from a man, that if you finde him in your ground you may beate him, is voide vpon the same reason,* Intimate thus much to this purpose, That no man by lawe of nature may deliuer himselfe into a danger which he might auoide. *Par. Put. Syndic. fol. 484.*

22 How many actes of good and meritorious nature, if they had all due circumstances, haue beene vitiated by *Indiscretion*, and changed from nourishment to poison? of which *Cassianus* hath amass'd many vsefull examples, and made all his second *collation* of them. Of which I will remember one happning about his own time: *Herō* which had liued fiftie yeares austerely in a Desart, trusting indiscreetely an illusion of an euill spirit, threw himselfe downe into a Well; and when he was taken out, and in such torment with those bruses, as killed him within three daies, yet he beleeued that he had done well, though the rest beleeued him to be as *Cassianus* saies, *Biothanatum*, a selfe-murderer. *Collat. 2. c. 5.*

23 How deeply, and how irremediably doth this indiscretion possesse many others, whom themselues only, and a few illuders of their weaknesses, esteeme to be *Martyres*, for prouoking the execution of iust lawes against them? For what greater *Indiscretion* can there be, or what more treacherous betraying of himselfe, then to die in despite of such a Princes mercie, as at once directs him to vnderstand his duety to himselfe, and to his Prince: and shewes him, that his owne preseruation is a naturall duety; and that hee may not neglect it in any cause, but where it appeares euidently, Catholiquely, and indisputably (amongst them to whose instruction he ought to submitte him.

himselfe) that God may bee glorified in it; And that his obedience to the King was borne in him, and therfore was once, without all question, due, & could not be taken away, without his consent, who is damnified by the losse of a Subiect; at least by such a litigious Authoritie, as is yet in Disputation, *What it is, Whence it comes*, and *how it resides in him*, and *how it is executed*.

24 For as a man may be *felo de se*, by destroying himselfe by our Law; And *fur de se*, by departing, and stealing himselfe away, from him to whō his seruice is due, by Imperial law: so he may be *proditor de se*, by the law of Nature, if hee descend from the Dignitie of humanitie, & submit himselfe to an vsurpation, which he ought to resist, which is; All violence and danger which hee might auoide.

25 And since, if the King would pardon him, vpon doing of any act, which depended vpon his owne will, he were guiltie of his death, if hee refused it, he is so also in this case, since he can propose to himselfe no such restraint as binds his wil; For *scruples*, and things in *Opinion* and *Disputation*, do not binde in this case; Of which we shall haue proper occasion to speake in the next Chapter.

26 Let vs then proceede further, to that which giues the *forme*, and *measure*, and *merit*, euen to Martyrdome it-selfe, which is *Charitie*. And this is not meant onely of Charitie, as it is a *Theolo-*

gall vertue, and vnites vs in an earneſt loue to God, which is, *Charitas patriæ*, but alſo as from that fountaine is deriued vpon all his creatures, which is *Charitas viæ*: For ſo Saint *Iohn* ſayes, of this charitable act of which wee ſpeake, *Greater loue then this no man hath, when hee beſtoweth his life for his friend:* Which alſo appeares out of that Hiſtory recorded of *Nicephorus:* [a] who being brought to the place where he was to receiue the Crowne of Martyrdome, and ſeeing *Sapritius*, betweene whome and him, there had before ſome bitternesſes and enmitie broke foorth, fall downe before him, and begge a Pardon and reconcilement, was ſo much elated with this glory of *Martyrdom*, that vncharitably he diſdain'd to admit any reconciliation. In punishment of which vncharitableneſſe, he loſt his whole hope and victorie: For the ſpirit of God forſooke him, and he Apoſtated from his Faith: So that Charitie is iuſtly eſteem'd the forme of Martyrdome.

Io.15.13.

[a] *Metaphraſt. in Nicepho. Mar.*

27 And is there any Charitie in this Doctrine, or in this act of *Refuſall*? Is there any to your ſelf? (For, at leaſt *in ſpiritualibus, Charitie begins at home*) when at once you diuorce that body which your Parents prepar'd, from that Soule which God infuſed and married to it: and ſo leaue, not onely to be *men*, and to be *Subiects*, but to be *Prieſts*, and benefactors to that cauſe, which you hinder by this pretence of louing it. How much opportu-

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nitie of Merit, euen in aduancing the Catholique cauſe, which to you is ſo certaine, doe you looſe, by expoſing your ſelfe to *certaine* ruine, vpon *vncertaine* foundations? Is there any charitie to the Church, or partie, or faction, which you haue in this Kingdom? towards whom the King brought with him ſo much tenderneſſe, that hee caſt in a dead ſleepe all *bloudy* lawes, and in a ſlumber all *pecuniarie* lawes which might offend, & aggrieue them. Is it charitably done towards them, that by your vnneceſſarie act, their peace be interrupted, his Maieſties ſweetneſſe diſtaſted, his ſoftneſſe indured, and thoſe faire impreſsions which hee had admitted, That ciuill obedience might conſiſt with your Religion, defaced and obliterated? And that to all theſe ſhould ſucceede, iealouſies in him, imputations vpon them, and dutifull ſolicitations from his Parliament, & Counſaile, and Subiects of all rankes, to awaken his lawes againſt theſe ſuſpitious men?

28 Was it charitably done of that *Prieſt*, who apprehending a generall inclination of taking the Oath, aduanced it ſo farre, as to make a Declaration that it was lawfull, and neuer retracting that opinion, yet would die in the refuſall thereof, *becauſe it ſeemed not expedient to him, to take it then*; and ſo to caſt ſnares and tortures vpon their conſciences, who were before in poſſeſsiō of a peaceable, & (by his own teſtimony) a iuſt reſolution? *Ieruaſe.*

29 When

1. Cor. 6. 12. & 10. 23.

29 When S. *Paul* vſes that phraſe, he expounds the word *Expedient*, by *Profitable* and by *Edifying*: And hath the example of his death profited and edified that Church as much, as the perplexities certainely growne in Catholique conſciences thereby, and thoſe exaſperations, and bitternefſes occaſioned, by all probabilitie in the ſtate, by that peruerſe and peeuiſh behauiour, may ſhake and tempeſt it?

30 I doe not thinke that they would haue denied him to haue beene a *Martyr*, if he had beene executed vpon the *Statute* againſt *Prieſts*, though he had before taken the oath. If therefore the taking of the oath cannot vitiate and annull martyrdome, the refuſing it cannot conſtitute martyrdome.

31 And if you will make the difference onely by reaſon of the Popes *Breue*, which perchance came betweene his firſt reſolution, and his laſt, then you reduce your Martyrdome to a more ſlipperie and more dangerous diſtreſſe then before: For as before you quitted all your benefite and intereſt to martyrdome, for hauing exerciſed *Prieſtly* functions, and proclaimed and ſolaced your ſelfe with this, that you dyed for refuſing the oath; ſo now you waine that, and ſticke to a worſe title, which is, obedience to an vncertaine and ſuſpicious Breue; For, for your firſt title, which is preaching of the Catholique faith, you haue

haue the intire and vnanime consent and concurrence of the whole Christian Church; which alwaies confesses, that the profession of the Catholique faith, is, a true and iust cause of Martyrdome; though she doe not confesse, that that which you teach, is that Catholique Faith, but for that Title you had also the consonance and agreement of all the Romane Church. And for your second claim, which is, the defence of the Popes *temporall Iurisdiction*, by refusing this oath, you had some voices of great authority in that Church, to encourage you, though farr too weak; either to blot out a naturall truth, or to make an indifferent, or perplex'd point so necessary to you, as to dy for it. But for this third title to martyrdome, which arises frō obedience to the *Breues*, which are *matters of fact*, & subiect to a thousand infirmities & nullities, who euer iustly grounded a necessity of dying, vpon thē, or added the comfort of martyrdome to such a precipitatiō?

32 Thus dooth *Aquinas* argue against a farre better Title to martyrdome, then this is: *Though virginity be more pretious then life, yet if a Virgine should be condemned to be deflowred, Occasione fidei Christianæ, because she was a Christian, though all those conditions, which we noted in our Sauiors prohibition, and instruction, concurred in her case, That she were no busie body in prouoking, That she were persecuted, and that vniustly, And with relation and despite to Christ, and so she suffered as a Christian, yet, saies he, this were no Martyrdome.* 22.q.124.ar.4.ad 2.

tyrdome. Yet he assignes not the reason to be, because she died not, but because *Martyrdome is a testimony, by which it is made euident to all, that the Martyres loue Christian faith aboue all things, and it cannot appeare by this act of hers, whether she suffer this for the loue of Christian faith, or for contempt of chastitie.* But in this acte of dying for obedience to the Brenes, there is by many degrees lesse manifestation, that they die for Christian Faith, which is not in question; and there appeare euident impressions of humane respects, which would vitiate a better title to martyrdome, and of such vnnatural dereliction of themselues, as I doe not see how they could escape being *selfe-murderers*, but that their other Treasons, and condemnations for them, make their executions iust.

De Not. Eccles. l. 4. c. 2, § Item.

33 And besides that, *Bellarmine* makes this hard shift, and earnest propensenesse to die, no good signe of a good cause, or of a true martyrdome (for thus he makes his gradations, That *the Anabaptists are forwardest, and the Caluinists next, and the Lutherans very slacke*: So that he makes the vehemency of the professors, in this kind, some testimony of the ilnesse of the Religion) we may also obserue, that all circumstances (except the maine point, with which we intercharge one another, which is *Heresie*) by which they labour to deface and infirme the zeale of our side in this point, and to take from them, all comfort of martyrdome, doe ap-

peare in them directly or implicitely, in this denying of ciuill obedience.

34 And becauſe we may boldly truſt his malice in gathering them, that he will omit none, we will take them as they are obiected againſt vs in *Feuardentius* the Minorite: A man of ſuch dexterity and happines in conuerting to the Romane Faith, that all *Turquy* and the *Indies* would not bee matter enough for him to worke vpon one yeare, if he ſhould proceed with them in the ſame pace, as he doth with the *Miniſter of Geneua*: For meeting him once vpon a time by chaunce, and falling into talke with him, in the perſon of a Catholique *Doctor*, he diſpatches a *Dialogue* of ſome eight hundred great leaues; and reduces the poore Miniſter, who ſcarce euer ſtands him two blows, from *one thouſand foure hundred Hereſies*: And as though he had but drawne a Curtaine, or opened a boxe, and ſhewed him catholique Religion, he leaues him as ſound, as the *Councell of Trent*.

35 Firſt therefore in this matter of *Martyrdome*, he takes a promiſe of the *Miniſter*, *That he will be diligent hereafter, from being amazed at the outward behauiour of men which ſuffer death.* By which direction & good counſell, the confident faſhion and manner of any *Ieſuite* at his execution, ſhall make no ſuch impreſsion in vs, as to produce arguments of his innocency. After this, he ſaies, that our men are not martyres, *Becauſe they haue departed*

Theomachia Caluiniſt. l. 8. c. 18. nu. 1.

Ibid. nu. 3.

ted from the Church, in which they were baptized, and haue not kept their promise made in Baptisme, but are therefore Apostats and Antichrists. Another reason he assignes against them, *because they haue beene put to death for conspiracies, rebellions, tumults, and ciuill Warres against lawfull Princes*, and that therefore *they haue beene proceeded against in Ordinary forme of Iustice, as Traytors.* And againe, hee saies, *They haue beene iustly executed for making, and diuulging libells against Princes. And for Acts against a Canon of the Eliberitane Councell, of which I spoke before.* And lastly, this despoiles vs of the benefite of Martyrdome in his account, *Because we offer our selues to dangers, and punishments, seeking for honour out of misery, and blowen vp with ambition and greedinesse of vaine glorie.* Thus farre *Feuardentius* charges vs.

Nu. 4.

Nu. 6.

Nu. 10.

36 And is it not your case also, to forfait your Martyrdome vpon the same circumstances? Are not many of you departed from your promise in *baptisme* to our Church? or did those which vndertooke for you, euer intend this forsaking? and this *act* of departing is by *Feuardentius*, made an Essentiall circumstance, abstract, and independent and incohærent with that of the *Catholique* Church, for that is another alone by it selfe.

37 And haue not you beene proceeded with, *in Ordinarie course of Iustice, as Traytors, for Rebellions, and Conspiracies, and Tumults?* And after so many

many proteſtations ſo religiouſly deliuered, ſo vehemently iterated, ſo prodigally ſealed with bloud, and engaging your Martyrdome vpon that iſſue, that you neuer intermedled with matters of ſtate, nor had any other ſcope or marke of all your deſires and endeuours, but the replantation of Catholique Religion, hath not the *Recorder* and mouth of all the Engliſh *Ieſuites*, confeſſed, (vpon a miſtaking, that the cuenneſſe of his Maieſties diſpoſition might be ſhaked by this inſinuation,) [a] *That in the Sentence of Excommunication againſt Queene Elizabeth, the Popes relating to a ſtatute in England, reſpected the Actuall right of his Maieſties mother, and of him, and proceeded for the remouall of that Queene, whom they held an vſurper, in fauour of the true inheritours oppreſſed by her, not only by ſpirituall, but temporall armes, alſo, as againſt a publique Malefactor, and Intruder.* And hauing thus like an indiſcreete *Aduocate*, preuaricated for the Pope, doth hee not as much betray all his owne complices, when he addes, *This doth greatly iuſtifie the endeuours and deſires of all good Catholique people, both at home, and abroad, againſt her, their principall meaning being euer knowne to haue beene, the deliuerance and preferment of the true heire, moſt wrongfully kept out, and vniuſtly perſecuted for righteouſnes ſake.* Did you *intend* nothing elſe, but Catholique *Religion*, and yet was the *deſire*, and *endeuour* of all good Catholiques at home, and abroade, to *re-*

[a] *Iudgement of a Catholique of the Apologie of the Oath. Pag. 91.*

moue her, and *plant* another, and that by vertue of a *ſtatute* in *England*? Did the Popes in their *Bulls*, intimate any *illegitimation*, or *vſurpation*, or touch vpon any ſuch ſtatute? Or did they goe about to aduance the *right Heire* in the *Spaniſh Inuaſion*? or was the way of the *right Heire* Catholiquely prepared by *Dolemans* booke?

38 Or was the Author thereof no good Catholicke? For theſe Conſpiracies, and for the ſame Authors monethly Libels, which caſt foule aſperſions vpon the whole cauſe, in defence wherof they are vndertaken, and publiſhed, are your pretences to Martyrdome vniuſt and inualid, if your *Feuardentius* giues vs good rules. So are they alſo becauſe you ſeeke it againſt the *Eliberitane* Councell; That is, *By wayes not found in Scriptures, nor practiſed by the Apoſtles*: And laſt of all, becauſe you ſeeke it with ſuch intemperate hunger, and vaine-glorie, *Cultum ex Miſeria quærentes* (as your Friar accuſes our Churches) and hunting and purſuing your owne death; Firſt, ouer the tops of mountaines, the Popes *Spirituall power*, then through thicke and entangling woods, without wayes in or out, that is his *Temporall power*, and then through darke caues and dens of his Chamber Epiſtles, his *Breues*, ready, rather then not die, to defend his perſonall defects, and humane infirmities. And all theſe circumſtances, are virtually and radically enwrapt in this one refuſall of

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the Oath, which therefore alone doeth defeate all your pretences to Martyrdome.

39 And though it may perchance truely bee ſaid by you, that all thoſe perſons which the *Reformed* Churches haue Enregiſtred in their *Martyrologies*, are not certainely and truely *Martyrs*, by thoſe Rules to which we binde the ſignification of the word in this Chapter, and in which you account, all which die by way of Iuſtice, for aduancing the Romane *Doctrine* or *Dignitie*, by what ſeditious way ſo euer, to be true Martyrs, yet none of them hath euer tranſgreſſed ſo farre, as your Example would warrant them. For, not to ſpeake of *Baronius* his *Martyrologe*, where verie many are enrolled, which liued their Naturall time, and without any externall perſecution for their faith, and where verie many of the olde Teſtament are recorded, beſides thoſe which are canonized in the Epiſtle to the Hebrewes, and manie which are mentioned in that Epiſtle are left out by him, not onely *Enoch*, *Noe*, and ſuch other as ſuffered not death in their bodies, as *Martyrs*, but euen *Abel* whom he might haue beene bolde to call a *Martyr*, to omit him, I ſay, why doth our *Countryman* amongſt you, which hath lately cõpiled an *Engliſh Martyrologe*, preſent a *Calender*, in which of almoſt 500 whom he names, ſcarſe 60 are *Martyrs*; and of the reſt, ſome were not of our Nation, as *Conſtantine* the Emperour, whoſe feſtiuall

Ca. 11.

stiuall hee appoints 11 of May; And some neuer saw this Cuntry, as Pope *Gregory* the I, whom he celebrates 25 December. And of those which did suffer death the credit and estimation of as many as died, within 200 yeares of *Gregory* the I. is much impaired by one to whom I thinke, hee will subscribe, who sayes, *That in that 200 yeares, our Nation had no Martyrs, that cõmonly are knowne.* And those whom hee reckons, must of necessitie be knowne to them, whom that knowledge concernes, as it did *Parsons*, when hee writ that booke, since the knowledge thereof was so obuious & easie, that this Author professes, *that all their Histories are in Authors approued or permitted by the Sea Apostolique, & that he cites no Apocryphall legend, nor fabulous Historie, that may be suspected of the least Note of falsitie, or errour whatsoeuer.* But he which shall suruay his *Catalogue* of Authors, will finde it safer not to beleeue him, then to bee bound by him, to beleeue all them to be free from the least note of falsitie or error. For we shall be somwhat hard to beleeue this extreme innocence, and integritie in *Surius*, and in *Saunders*, or in *Cornelius Tacitus*. And many of his owne profession will hardly beleeue that *Gregory*, and *Bede* were free from all falsitie or error, And himselfe, I beleeue, would not stand to this, if we should presse him with some places, out of *Parsiensis*, and *Westmonasterienſis*, and *Walsingham*, and *Polidore Virgil*: all which

3. *Conuersions. Par. 3. Chap. 1. Nu. 19.*

which haue beene tried in the furnace of this *Diuine Critique*, & are pronounced by him free from the leaſt *note of falſitie, or errour whatſoeuer.* But if theſe Authors were knowne to *Parſons*, and that hee pronounced truely, that *that* 200 *yeares was without Martyrs*, then, not onely the *Abbeſſe of Elies* heardſman, *S. Alnoth*, ſlaine about 670 in *hatred of Chriſtian Religion*, and celebrated 27 Febru. but the firſt Chriſtian King of the *Northumbers*, *S. Edwyn*, ſlaine alſo in *hatred of our Religion Anno* 634. and obſerued 4. Octob. with diuers other after that time, muſt be expunged out of this new *Martyrologe*. So alſo muſt that Author confeſſe himſelfe to haue been too forward, in canonizing *S. Hugh* for a *Martyr*, *whom at* 10 *yeares of age, the Iewes crucified at Lincolne, Anno* 1255. ſince *Parſons* had told him before, *that after Becket, which was An.* 1171. *our Church had no more Martyrs in* 400 *yeares.* *July.27.* *Ibid.Nu.21.*

39 But for all this, it is not your errour, and vicious example which ſhall excuſe vs, if at any time wee haue inſerted ſuch, as *Martyrs*, which were not preciſely ſo. For if we haue committed any ſuch ſlip in ſtorie and matter of fact, there is not that danger in our tranſgreſsion, which is in you, becauſe you, by giuing them that title, aſſure the world of a certaine and infallible preſent ſaluation, by *vertue* of that ſuffering, and that they haue title thereby to our *Adoration*, and are in preſent poſſeſsion of the office of *Aduocation* for vs.

Out of which confidence, I haue ſeene at ſome Executions of Trayterous *Prieſts*, ſome byſtanders, leauing all old Saints, pray to him whoſe body lay there dead; as if hee had more reſpect, and better acceſſe in heauen, becauſe he was a ſtranger, then thoſe which were familiar, had.

CHAP. VIII.

That there hath beene as yet no fundamentall and ſafe ground giuen, vpon which, thoſe which haue the faculties to heare Confeſſions, ſhould informe their owne Conſciences, or inſtruct their penitents; That they are bound to aduenture the heauie and Capitall penalties of this Lawe, for refuſall of this Oath. And that if any Man haue receiued a ſcruple againſt this Oath, which he cannot depoſe and caſt off, the Rules of their own Caſuiſts, as this caſe ſtands, incline, and warrant them, to the taking thereof.

SInce by refuſall of this Oath, which his Maieſtie hath rather made an *Indulgence* then a *Vexation*, by withdrawing ſome clauſes of bitterneſſe, and of ſtrict inquiſition into the whole Catholicke partie, which the freſh contemplation of the Powder-Treaſon, had iuſtly vrged the Lower-houſe of Parliament to inſert therein: And ſtudying to find a way by which he might diſcharge both dueties to God and his Kingdome, would in his Princely and Paſtorall care,

care, prouide a triall, by which those which were corrupted with the poyson which broke out in those Treasons, might be distinguish'd from Catholickes of better temper and more duetifull affections towardes him, and our Peace, from which sort of Catholickes, after so many prouocations, by persons of the same perswasion in Religion, he seem'd loth to withdraw those fauours and graces, which he had euer since his comming expressed towards them: Since, I say, by refusall thereof, both the Catholickes lay a heauie scandal, and dangerous aspersions vpon the cause, and declare themselues more slauish to the Pope, and consequently apter to defection from the Prince, then the Subiects of forraine States now are, or the Subiects of this Kingdome were heretofore, And also his Maiestie, and all those which affect his safetie, which not only inuolues but procures and causes theirs, may iustly encline at last to thinke, that the very ground, and principles of that Religion nourish these rebellious humours, and so finde it necessarie for preseruation of the whole bodie, to apply Medicines more corrosiue and sharpe to that member which appeares so corrupt and dangerous, And euerie Catholique in particular, to whom this Oath is offered, by refusall forfaits his libertie, & by pertinacie therein, incurres other mulcts and penalties, It is therefore the dutie of euerie Catholique, out of his religious

ligious zeale to the cauſe, drawne into ſuſpition thereby, and out of his Naturall obligation for preſeruing his life, fame, and fortune, all which are endangered by this refuſall, not to aduenture the loſſe of theſe, but vpon Euidence of much cleareneſſe, and grounds of ſtrong aſſuredneſſe, and conſtancie.

2 And as it is certaine, that at the firſt promulging of this oath, they had no ſuch ground, nor Euidence (for then, that light muſt haue beene vpon them all, and ſo many good and earneſt maintainers of that Religion, would not haue enclined to the Oath, if they had had ſuch Euidence againſt it) ſo alſo after ſome ſcruples were iniected, and the tenderneſſe of ſome conſciences vitiated and diſtracted with ſome doubts, and that it had beene ſubmitted to Diſputation, and conſulting amongſt themſelues, and ſo paſſed all thoſe furnaces of Examination, it was held lawfull, and accordingly many tooke it. So that neither by the Euident and vndeniable authoritie of Nature, or Scripture, nor by Deductions and concluſions neceſſarily deriued and iſſuing from thence, any Conſcience had ſufficient aſſurance, to incurre theſe dangers.

3 If ſince, by ſome arguments of probabilitie, and of Conueniencie, or by ſome propoſitions propagated & deduced from thoſe firſt principles of Nature, and Scripture, by ſo many deſcents

cents and Generations, that it is hard to trie whether they doe truly come from that roote, or no, any Conſcience haue ſlackned it ſelfe, and ſo be ſtraied, and diſſolued, and ſcattered, by this remiſneſſe, and vacillation, it ought rather to recollect it ſelfe, and returne to thoſe firſt ingraffed principles, then in this diſſolute and looſe diſtraction, to ſuffer an anxious perplexitie, or deſperately to arreſt it ſelfe vpon that part, which their owne Rules giuen to reduce men in ſuch deuiations, and ſettle them in ſueh wauerings, cannot aſſure him to be well choſen, nor deliuer and extricate him, in thoſe laborinths.

4 For, let the firſt roote and parent of all propoſitions in this matter of Obedience, be, that which we know by nature, *That we muſt obay ſuch a power, as can preſerue vs in Peace and Religion*, and that which wee find in Scriptures, *Let euery Soule be ſubiect vnto your higher powers*; And let vs drawe downe a Pedigree, and Genealogie of reaſons and concluſions deriued from this. The eldeſt, and that to which moſt reuerence will belong, will be the *Interpretation of the Fathers* vpon this place, which is (as your owne men confeſſe,) *That the Apoſtle ſpeakes rather of Regall and Secular power, then of that which you call Eccleſiaſticke.*

Ro.13.1.

Carninus de poteſt. leg. Hum. Par.1.C.6.

5 Let vs then purſue the line, of which the firſt end is; Kings muſt be obeyed. It followes, Therfore they muſt be able to commaund iuſtly; ther-

forethey must haue some to enable and instruct them; therefore they must doe according to their instruction; therefore if they doe not, they are subiect to their corrections; therefore if they be incorrigible, they are no longer Kings; and therefore no subiect can sweare perpetuall Obedience, to his person, who by his owne fault, and his superiours Declaration, may growe to be no King.

6 Now, as no man can beleeue the last of these propositions, as roundly and constantly, as the first, because though it seeme to be the childe of the first, yet in it self, or in some of the meane parents by the way, there may be fallacies which may corrupt and abastard it; so is there no other certaine rule to trie it, but to returne to the first principles, and see if it consist with them. For if it destroy the first, it degenerates and rebels, and we may not adhere to it. And if the first may still consist without it, though this may seeme orderly and naturally deduced from thence, yet it impose's not so much necessity vpon vs, as the first doth; for that bindes vs peremptorily; this, as it is circumstanced and conditioned.

7 And though these circumstances giue it all the life it hath, so that to make it obligatory, or not so, depends vpon them, yet it is impossible to discerne those circumstances, or vnentangle our consciences by any of those Rules, which their *Casuists* vse to giue, who to strengthen the possessi-

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on of the *Romane* Church, haue beſtowed more paines, to teach how ſtrongly a conſcience is bound to doe according to a *Scruple*, or a *Doubt*, or an *Opinion*, or an *Errour*, which it hath conceiued, then how it might depoſe that *Scruple*, or cleare that *Doubt*, or better that *Opinion*, or rectifie that *Errour*.

8 For, That we may at once lay open the infirmity, and inſufficiency of their *Rules*, and apply the ſame to our preſent purpoſe; What vſe and profite, can thoſe *Catholiques*, which doubt whether they may take that *Oath*, make of that Rule, *that they muſt follow in doubtfull points, that opinion which is moſt common and generall*? For, though this be vnderſtood of the opinion of ſuch men, as are intelligent and vnderſtanding, and conuerſant in the matter in queſtion, yet oftentimes, amongſt them, both ſides ſay, *This is the common opinion*; and who can iudge it? Yea many circumſtances change *the common opinion*: *For* (ſaies *Azorius*) *it fals out often, that that which was not the common opinion a few yeares ſince, now is*; And that *that which is the common opinion of Diuines in one Countrie, is not ſo in another*; As in *Spaine* and *Italy*, it is the common opinion, *That Latreia is due to the Croſſe*, which in *France* and *Germany* is not ſo. And *Nauarrus* ſaies, *That at Rome, no man may ſay, that the Councell is aboue the Pope, nor at Paris, that the Pope is aboue the Councell.* Which deuiſion alſo there is amongſt them,

Inſtit. Mora. To. 1. lib. 2. c. 12. § ſi quando.

De Iudicijs Ca. Nouit.

Ibid.

them, in a maine point which ſhakes their *Doctrine*, of the Popes being immediately from God, ſince they cannot agree, *Whether at the Popes death, his power remaine vpon the earth, or flie vp to heauen.*

Carninus de poteſt. leg. Hum. par. 1. c. 6.

He is a Catholique, and a temperate diſcreete Authour, which notes, *That the writings of Catholique men, haue ſomething in them which muſt be allowed to the times when they writ, which being more diligently examined by them which follow, are found exorbitant from the ſoundneſſe of faith:* which hee ſpeakes of thoſe that denie, *that the lawes of ciuill Magiſtrates doe binde the conſcience.*

Idem. par. 2. c. 2.

And after, ſpeaking againſt them which thinke, *That if we vndergoe the penaltie of the law, we do not ſinne in the breach therof (he ſaies) it was the opinion of ſome Schoolemen, who thought it a glorious matter, and fit to raiſe them a name, to leaue the common and beaten wayes; hauing perchance a delight ſawcily to prouoke, to gnaw, to calumniate, & to draw into hatred thoſe powers and authorities which made thoſe lawes.*

8 And if of late daies, The opinion of refuſing the Oath, become the more *common opinion*, it is vpon ſome of theſe circumſtanees, that at theſe times, when *Catholiques* are called to profeſſe ciuill obedience, in this place, where *Ieſuites* are in poſſeſsion of moſt hearts, to get reputation, or to a-uile ſecular Magiſtracy, they haue ſuddenly made it the more *common*: for they can raiſe the *Exchange* in an howre, and aduance and crie downe an opinion at their pleaſure. But

But to determine of *mortall sinne* (as the taking of this Oath must be, if it be matter enough to aduenture these dangers for it) the same Authour saies well, doth not so much appertaine, *Ad pulpita Canonistarum*, as it doth *ad Cathedras Theologorum*: and therefore it ought to be tried by the principles of *Diuinity*, not by the circumstanciall ragges of *Casuists*. Par. 1. c. 6.

But, to goe forward with them, if this *Common Opinion* were certaine, and if it were possible to discerne it, yet it doth not so binde vs, but that we may depart from it, when another opinion is *safer*: And from that opinion which is *safer*, wee may also in many cases depart. For which, those examples, which *Carbo* a good *Summist* alleages, may giue vs satisfaction, which are, *If I doubt of my title to land, I am not bound to restore it (though that were the safest way) because in doubtfull matters, Melior est Conditio possidentis.* And, but for this helpe, I wonder with what conscience, the *Catholiques* keepe the possession of such landes as belong to the *Church*; for they cannot be without some scruples of an vniust title, and it were safest to restore thē. Another example in *Carbo* is, *If my superior command a difficult thing, and I doubt whether he command lawfully or no, though it were safer to obey, yet I am not bound to doe so.* And he giues a *Rule*, which will include a thousand examples, That *that Rule, That the safest part is to be embraced, is then onely true, when* Summa Summarum. To. 1. par. 1. c. 14. §. Tertium.

by following this safer part, there ensues no notorious detriment. And *Soto* extends this *Doctrine* farther, for he saies, *Though you beleeue the precept of your Superior to be iust* (which creates *Conscientiam Opinantem*) yet you may doe against it: *Because* (saies he) *it is then onely sinne to doe against your conscience, when to do according to your conscience, is safe, and that no danger to the state, or to a third person, appeares therein.* So that *Tutius* in a spirituall sense, that is, *in a doubtfull matter rather to beleeue a thing to be sinne, then not*, must yeelde to *Tutius* in a temporall sense, that is, *when it may be done without notorious detriment*; For when it comes to that, we shall finde it to be the *common* opinion of *Casuists*, which the same *Summist* deliuers, *That there is no matter so waighty, wherein it is not lawfull for me, to follow an opinion that is probable, though I leaue the opinion which is more probable; yea though it concerne the right of another person:* as in our case of obedience to the *King* or the *Pope*. And then, whereseoeuer I may lawfully follow an opinion to mine aduantage, if I will leaue that opinion with danger of my life or notorious losse, I am guilty of all the damage I suffer. For these circumstances make that Necessary to me then, which was *indifferent* before: the reasons vpon which *Carbo* builds this Doctrine of following a *probable* opinion, and leauing a more *probable*, which are, *That no man is bound, Ad melius & perfectius, by necessity, but as by Counsell:* And that this doctrine

De ratio. teg. Secret. memb. 3. q. 2. § Sed contra

Doctrine hath this commoditie, *that it deliuers godly men, from the care and solicitude, of searching out, which is the more probable opinion*, shew euidently, that these Rules giue no infallible direction to the conscience, and yet in this matter of Obedience, considering the first natiue certaintie of subiection to the King, and then the damages by the refusall to sweare it, they encline much more to strengthen that ciuill obedience, then that other obedience which is plainly enough claimed, by this forbidding of the Oath.

So that in these perplexities, the *Casuists* are indeede, *Nubes Testium*: but not in that sense as the holy Ghost vsed the Metaphore. For they are such *clouds* of witnesses, as their testimonie obscures the whole matter. And they vse to deliuer no more, then may beget farther doubts, that so euery man may from the *Oracle* of his *Confessors* resolution, receiue such direction, as shall be fit at that time, when hee giues the aunswere. Which *Nauarrus* expresses fully, when he confesses, *That hauing beene consulted fiftie yeares before, whether they who defrauded Princes in their customes, were bound to restitution, he once gaue an aunswere in writing: but hauing recouered that writing backe againe, he studied twentie yeares for his owne satisfaction, and found no ground whereupon he might rest: And all that while he counsailed Confessors, to absolue their penitents, vpon this condition: That they should retaine*

Heb. 12. 1.

Ca. Confraternitas. 12. q. 2.

a purpose to doe so, as they should vnderstand hereafter to be iust.

These *spirituall Physitians* are therefore like those *Physitians*, which vse to erect a *figure*, by that Minute in which the patients Messenger comes to them, and thereby giue their iudgment. For the *Confessours* in *England*, in such resolutions as these, consider first the *Aspects*, and *Relations*, and diuerse *predominancies* of *Superiours* at that time, and so make their determinations seasonable, and appropriate.

Enchirid. Iudi. Tit. 35. n. 41.

But to insist more closely vpon this point in hand, your *Simancha* speaking out of the law, saies; *That that witnesse which deposes any thing vpon his knowledge, must also declare and make it appeare, how he comes to that knowledge. And if it bee of a thing belonging to the vnderstanding, hee must make it appeare by what means, and instrument his vnderstanding was instructed. And that which he assignes for the reason, must be of that nature, that it must certainely, and necessarily conclude and proove it.* If then you will subscribe with your blood, or testifie by incurring equiualent dangers, this Doctrine vpon your *Knowledge*, you must bee able to tell the *Christian* world, how you arriu'd to this *Knowledge*. If you will say, you haue it *Ex Iure Diuino*, and meane by that, out of the *Scriptures*, you must remember that you are bound by *Oath* *neuer to accept nor interprete Scriptures, but according to the vnanime consent*

Bull. Pij. 4. de form. Iur.

sent of the Fathers. And can you produce such a consent, for the establishing this Doctrine, in interpreting those places of Scripture, which are offred for this matter? If you extend this *Ius Diuinum*, as *Bellarmine* doeth, not onely to Scriptures, but to *Naturall light and reason, and the Law of Nature*, (in which he is no longer a *Diuine*, as he vses to professe himselfe, but a *Canonist*, who gaue this large interpretation of *Ius Diuinum*, whereas *Diuines* carie it no further, then to that *which God hath commanded or forbidden*, as Azorius *tels vs*) this cannot bee so strong and constant, and inflexible a Rule, but that the diuers obiects of *sense*, and images of the *fancie*, and wayes of *discourse*, will alter and vary it. For though the first notions which wee haue by the light of nature are certaine, yet late conclusions deduced from thence are not so.

Responsio ad Docto. Venet. proposit. 5ª. § ad rationes.

To. 2. l. 4. c. 18. § Deinde.

If you pretend *common consent* for your ground, and *Criterium*, by which you know this truth, and so giue it the name of *Catholicke Doctrine*, and say that *Faith* is to be bound to that, and Martyrdome to be indur'd for Faith, you must also remember, that that which is so call'd *Catholicke*, is not onely a common consent of all persons at one time, but of the Catholicke Church euer. For, *Quod vbique, quod semper*, is the measure of *Catholicke Doctrine*. And can you produce Authors of any elder times, then within sixe hundred yeares, to haue concurr'd in this?

And in these later times, is not that *Squadron* in which *Nauarrus* is, of persons and voyces enow, to infringe all reasons which are grounded vpon this *vniuersall consent?* He proclaimes confidently, *That the Pope, take him despoiled and naked, from all that which Princes haue bestowed vpon him, hath no temporall power, Neque supremam, neque mediam, neque infimam.* Doe not some *Catholiques* confesse, that *they are readie to sweare to the integritie of the Romane faith, according to the Oath of the Councell of Trent*, and yet protest against this temporall iurisdiction? And doth not another *Catholique* say, *That when a lay man sweares Obedience to the Pope, according to that Oath of Pius the fourth, it must be restrained, in his vnderstanding, onely to his spirituall power*? Herein therefore is no *vniuersall consent.*

Nouit. de Indic. Nu. 41.

Marsilius contr. respons. Bellarm. Ad Gener. Inquisitor. venet.

Barclaius de potest. pont. ca. 2. in princip.

And are not they which seeme to maintaine this *temporall power*, so diuided amongst themselues, that in a *mutinie*, and *ciuill* dissention, they rather wound one another, then any third *enemie*, when they labour more, to ouerthrow the way, by which this *temporall* iurisdiction is claimed, then to establish the certaintie of the matter it selfe? And though such things as appeare to vs, *euidently*, and *presently* out of the *Scriptures*, binde our assent, and beleefe, though wee may dispute about the way and manner, (as no man denies the *conception* of our *blessed Lady*, though it be disputed, whether shee were conceiued with original

nal ſinne, or without it) And though thoſe things which appeare to vs out of the firſt *intrinſique light of Nature* and reaſon, claime the ſame authoritie in vs (as no man doubts whether he haue a ſoule or no, though many diſpute whether we haue it by *infuſion* from God, or by *propagation* from our parents) yet in things further remoued, and which are directed by more wheeles, and ſuggeſtions, and deducements, we cannot know certainely enough (for ſo great a vſe, as to teſtifie them in this faſhion, as we ſpeake of) that they are, except we know firſt *how*, and in *what manner* they are. As if a man be conuented before a *Iudge*, (eſpecially when he is bound in conſcience not to anſwere, except he be his competent Iudge, as you teach, when *Eccleſiaſtique* perſons are called to *Secular* tribunals) he cannot be ſure that man is his competent Iudge except he know firſt, whether he haue that authority, as *Ordinary*, or by *ſpeciall Commiſsion*. Though therefore in this point in queſtion, for a pious credulity, and generall intention to aduance the dignity of the Church of *Rome*, a *Catholique* may haue an indigeſted and raw opinion, that this power is in the Pope, yet when he examines himſelfe, and calls himſelfe to account, he muſt firſt know how it is, before he can reſolue, that it is. And though he may erre in the manner, by which he beleeeues it to be in him, yet certainely he muſt areſt himſelfe vpon ſome one of thoſe waies, by which the Pope

Pope is said to haue that iurisdiction, or else hee doth not answere his conscience, that askes him how he knowes it? and if his conscience doe not aske him, he is in too drowsie and stupid a fit to be a Martyr.

Since therefore all his authority must be *Direct* or *Indirect*: *Ordinary* or *Extraordinary*: as he is *Pope* or not as he is *Pope*, whosoeuer will seale with his blood the auerment of this Iurisdiction, auerres one of these waies, how it comes to him: Which being so, he cannot iustly be called a *Martyr*; since he only is a Martyr, whom *all the Church* esteemes to be so. And he which should die, for maintenance of *Direct* power, should neuer be admitted into such a *Martyrologe*, as the fauourers of *Indirect* power should compile; nor these, into the other. And if two should come to execution together, vpon *occasion* of denying this *Oath*, of which one refused it, because hee thought the Pope *Direct* Lorde, the other *Indirect*, if they forbore hard words to one another at that time, doubtlesse in their consciences they would impute to one another, the same errours, and the same falshoods, of which they inter-accuse one another in their bookes, and neither would beleeue the other to be a true *Martyr*. And might not a dispassioned and equal spectator apply to them both seuerally, that Rule of the law, *That to that, which is forbidden to be had by one way, one may not be admitted by another?*

Espe-

Especially since a *Lawyer* which hath written on that side, takes the aduantage of this Rule, against Princes, when he saies, *That they haue no Iurisdiction vpon Clergie mens goods, because this were indirectly, to haue iurisdiction vpon their persons, which being*, saies he, *forbidden to be had one way, may not be permitted another*. It was saide to *Pompey*, when hee wore such a *scarfe* about his legge, as Princes wore about their head, *That it was all one in which place he wore the Diademe*, and that his *Ambition* appeared equally in either. And so ought this *indirect* power, though it pretend more tamenesse, and modestie, auert men, as much as the other: for *Bellarmine* can finde as good an Argument for *Peters Supremacie*, out of *Christs washing his feete*, as his appointing him *to kill and eate, which is*, saies hee, *the office of the Head*. So that from *head* to *foote*, all arguments serue his turne.

Vgotini de Validit. censura. Ca. 3.

De pont. l. 1. C. 2. §. Decima et cap. 22. §. Decima sepi.

But to turne a little back to this point of *knowledge*, since the *conscience* is by *Aquinas* his definition, *Ordo scientiæ ad aliquid*, and *an Act by which wee apply our knowledge to some particular thing*, the *Conscience* euer presumes *Knowledge*: and we may not, (especially in so great dangers as these) doe any thing vpon *Conscience*, if we doe it not vpon *Knowledge*. For *it is not the Conscience it selfe that bindes vs, but that law which the Conscience takes knowledge of, and presents to our vnderstanding*. And as no *ignorance* excuses vs if it be of a thing which wee *ought*

1. q. 79. Ar. 13. Concluſ.

Carbo. summa summar. To. 1. par. 1. C. 12. Secundum.

to know, and *may* attaine to: so no misconceiued knowledge bindes our conscience in these dangers, if it be of a matter not *pertinent* to vs, or to which wee haue no such certaine way of attaining, that we can iustly presume our *Knowledge* to be certaine.

For though in the questions raised by *Schoolemen* of the *Essence* and *Counsailes* of God, and of the Creation, and fall, and Ministerie of *Angels*, and such other remoued matters, to the knowledge whereof, God hath affoorded vs no way of attaining, a man may haue some such knowledge, or opinion, as may sway him in an indifferent action, by reasons of conueniencie, and with an apparant *Analogie*, with other points of more euident certainty: yet no man may *suffer* any thing for these points, as for his *Conscience*, because, though he haue lighted vpon the truth, yet it was not by any certaine way, which God appointed for a constant and Ordinarie meanes to finde out that truth.

And if this *refusall* of the Oath, and *implication* of a power to depose the King, be a matter pertinent to vs, that we are bound to know it, (*As all men in generall are bound to know the principles and elements of the Christian faith, and the generall precepts of the law, And euery particular man is bound to know, those things which pertaine to his state and office*) Then euery Subiect which doth not know this, is in an inexcusa-

Carbo. summa summar. To. 2. par. 1. c. 2. §. Tertium.

inexcusable and damnable ignorance; which was the case of as many, as did at first, or do yet, allow the taking of the oath. Or if it be not so immediat to vs, as those principles of faith, or as the duties of euery particular man (for though we know naturally that Princes must be obeyed, yet, you wil say, som cases may occur, in which we may not obay) then there must be some certaine way for vs to attaine to the knowledge therof by discourse & industrie, if we may aduenture these dangers for it, and we may not aduenture them, till we haue by that industrie sought it out. For, if we shall say, that some things are to be held by a man, *De fide*, of which he shall still be vnder an inuincible ignorance, though he bestow and employ all possible diligence, (as it is said of *Cyprian, that hee did erre in matter of faith, after he had vsed all possible industrie*) then contrarie opinions in matter of faith may be iust causes of *Martyrdome*, and yet one of these opinions must of necessitie bee *Hereticall*. For if *Cyprian* were vnder an *inuincible ignorance*, he was bound to doe according to his *erroneous conscience*, since he had no way to rectifie it. So that he must haue died for his *Conscience* in that case, that is, for such an opinion, as all his *Aduersaries* were bound to die for the contrarie. *Ibid. c. 3. §. Tertium.*

But since this seemes incongruous and absurd, the other opinion will stand safe and vncontrouled, that our *Conscience*, whose office is to apply

our *knowledge* to ſomething, and to preſent to vs ſome law that bindes vs in that caſe, cannot binde vs to theſe heauy incommodities, for any matter, but that, which wee therefore beleeue that wee know, becauſe there are certainely ſome meanes naturally and ordinarily prouided for the knowledge thereof; and that wee haue vſed thoſe meanes.

Now, in a man, in whom there are all theſe iuſt *preiudices* and *preſcriptions*, That *Nature* teaches him to bey him that can preſerue him, That the *Scriptures* prouoke him to this obedience, That the *Fathers* interprete theſe Scriptures of *Regall power*, That ſubſequent acts, and *Experience* teaches, Regall power to be ſufficient for that end; what can ariſe, ſtrong enough to defeate all theſe, or plant a *knowledge* contrary to this, by any euidence ſo neere the firſt *Principles*, as this is grounded vpon?

If it were poſsible that any thing could be produced at laſt, by which all theſe reaſons ſhould be deſtroyed, yet, till that were done (which is not yet done) both the priority and birthright of the reaſons and rules of nature, which are on that ſide (for Rules are elder then the exception) and the dangers which would ouertake, and entrap, and depreſſe ſuch as refuſed the Oath, muſt preuaile againſt any thing yet appearing on this part: for thus farr the *Caſuiſts* agree, as in the better opinion,

That

That although that which they cal *Metum iuſtum*, which is, *ſuch a feare as may fall vpon a conſtant man, and yet not remoue his habite of Conſtancy*, doth not excuſe a man from doing any *Euil*, yet that is meant of ſuch an *Euill*, as is *Euill* naturally, and accompanied with all his circumſtances: for, though no ſuch feare can excuſe me in an abſolute deniall to reſtore any thing, which was committed to my truſt, yet I maybe excuſed from deliuering a ſword committed to me, if I haue ſuch a iuſt feare, that the owner will therewith offend me or another. And they account not onely the feare of death, to be this *iuſt feare*, which may excuſe in tranſgreſsions, in any thing which is not *naturally euill*, but the feare of *Torture*, *Impriſonment*, *Exile*, *Bondage*, *Loſſe of temporall goods, or the greater part thereof, or infamy, and diſhonour*. And not onely when theſe are imminent vppon our ſelues, but vppon our wiues and children: And not onely when a law hath directly pronounced them, but when the State threatens them, that is, is exaſperated and likely to proceed to theſe inflictions. And though *Canoniſts* are more ſeuere and rigid in the obſeruation of their lawe, yet the common opinion of Diuines is, *That this iuſt feare excuſes a man from the breaking of any humane lawe, whether Ciuill or Eccleſiaſtique*: and that none of thoſe lawes binde vs to the obſeruation therof, in *danger of death, or theſe diſtreſſes*, except in this caſe, that *theſe puniſhments*

are threatned to vs, because we will not breake the law in contempt and despite of that authority, which made the law: for then no feare can excuse vs, because the obedience to Superiour authority in general, is *morall* and *naturall*; and therefore the power it selfe may not be contemned; though in case of this *iust feare*, I may lawfully thinke, that that power which made the law, meant not to binde me in particular, in these heauy inconueniences.

To apply this to our present purpose, since this *Oath* is not Naturally Euill, so as no circumstance can make it good (for then, it would haue appeared so at first, and the Pope himselfe could by no *Indult* or *Dispensation* tolerate it, which, I thinke, they will not say) nor offered in *contempt* of the Church of Rome, or in such sort as it should be *a signe of returning to our Religion*, or abandoning the Romane profession, but onely for the Princes security, certainely though the refusall thereof were commanded by any law of humane constitution, and so it became Euill, because it was Forbidden, yet in these afflictions, certainely to be endured by the letter of an expresse law, by euery Refuser, and in this bitternesse and exasperation of the whole State, against that whole Partie, and the cause of Catholiques, the taking of the Oath were so excusable, as the refusing thereof could not be excused. For in such *a iust Feare*, euen *Diuine Positiue Law* looses her hold and obligation, of which sort

sort *Integrity of Confession* is by all helde to be; and yet such sinnes may be omitted in confession, as would either *Scandalize* the Confessor, *Endanger* the penitent, or *Defame* a third person. In which the Casuists are so generally concurrent, that wee neede no particular authorities. *Tractat. 7. Theol. de Interd. Pauli 5. propos. 5ª.*

And in the matter of the greatest importance, which can be in that Church, which is the Election of the Pope, and an assurance, that he whom they acknowledge for Pope, is true Pope, which *Comitolius* (a *Iesuite* as much more peremptorie then the rest of the Iesuites, as they are aboue all other Friars) sayes, [a] *To be an Article of Faith, and that we are bound to beleeue the present Pope to bee Christs Vicar, with a Diuine and with a Catholicke Faith, and that all Decrees of Popes, which annull all Elections, if they appeare after, to haue beene made by Simonie, intend no more, but to declare that GOD will neuer suffer that to bee done, or discouer it presently* (in which opinion, *that matter of fact, should so binde our Faith*, hee is (for any thing which I remember to haue read) singular, and I had occasion before to name [b] one great Doctor of his owne Religion, directly contrarie to him in the very point.) In these *Elections*, I say, which induce (by his Doctrine) a *Diuine* faith, and necessarily, such a probable, and morall certitude, that it were sinne in them, who are vnder the obedience of that *Church*, not to obey the

[a] *Comitol. respons. Moral. l. 1. q. 99.*

[b] *Simancha Enchird. Iudic. Tit. 5. nu. 3.*

[c] Azor. Instit. Moral. par. 2. l. 4. c. 2. §. Sexto.

the iust *Decrees* of the present *Pope*, or quarrell at his *Election*: The Councell of *Constance*, (as [c] another *Iesuite* vrges it) hath decreed that this iust feare of which we speake, *Doth make voide any such Election of the Pope.* And that, *If after the Cardinals are deliuered of that feare, which possessed them at the Election, they then ratifie and confirme that Pope, yet he is no Pope, but the Election voide*: So farre doeth this *iust feare* (which cannot be denied to bee in your case) extend, and vpon so solemne, and solid Acts, and Decrees is it able to worke, and prouide vs a iust excuse for transgressing thereof.

And in a matter little different from our case, *Azorius* giues the resolution; That *if an hereticall Prince commaunds his Catholicke Subiectes to goe to Church, vpon paine of death or losse of goods, if hee doe this onely because he will haue his Lawes obeyed, and not to make it Symbolum Hereticæ prauitatis, nor haue a purpose to discerne therby Catholickes from Hereticks, they may obey it.* And the case in question fals directly and fully within the rule: For this Oath is not offred as a *Symbole* or token of our Religion, nor to distinguish *Papists* from *Protestants*, but onely for a *Declaration* and *Preseruation* of such as are well affected in *Ciuill Obedience*, from others which either haue a rebellious and treacherous disposition already, or may decline and sinke into it, if they bee not vpheld and arrested with such a helpe, as an Oath to the contrary. And therfore

fore by all the former Rules of *iuſt feare*; & this laſt of *Azorius*, though there were an euident prohibitory act, againſt the taking of the Oath, yet it might, yea it ought to be taken: For, agreeable to this, *Tolet* cytes *Caietans* opinion, with allowance and commendations, *That the Declaration of the Church, that ſubiects may not adhere to their King, if he be excommunicated, extends not to them, if thereby they be brought into feare of their liues, or loſſe of their goods.* For in *Capitall* matters, ſaies your great *Syndicator, it is lawfull to redeeme the life, per fas & nefas.* which muſt not haue a wicked interpretation; and therefore muſt be meant, whether with, or againſt any humane lawes; which he ſpeakes out of the ſtrength and reſultance of many lawes and Canons there alleadged. And therfore it can neuer come to be *matter of Faith*, that ſubiects may depart from their Prince, if this *iuſt feare* may excuſe vs from obeying, as theſe Authors teach; for that neuer deliuers vs in matters of ſo ſtrong obligation as matter of Faith, from which no feare can excuſe our departing.

Defence of Engliſh Cathol. ca. 4.

Par. de Puteo fo 327. & fo. 778.

To conclude therefore this *Chapter*, ſince later propoſitions, either Adulterine, or Suſpicious, cannot haue equall authority, and credite, with the firſt, and radicall trueth, much leſſe blot out thoſe certaine and euident Anticipations imprinted by nature, and illuſtrated by Scriptures, for ciuill obedience, ſince the Rules of the *Caſuiſts* for

electing opinions in cases of *Doubt*, and *perplexity* are vncertaine and flexible, to both sides, since that *Conscience*, which we must defend with our liues, must be grounded vpon such things, as wee may, and doe not onely know, but know *how* we know them, since these *iust feares* of drawing scandall vpon the whole cause, and afflictions vpon euery particular Refuser, might excuse the transgression of a direct law, which had all her formalities, much more any opinions of *Doctors* or *Canonists*, I hope we may now pronounce, That it is the *safest*, in both acceptations, both of *spirituall safety*, and *Temporall*, and in both *Tribunals*, as well of conscience, as of ciuill Iustice, to take the Oath.

CHAP. IX.

That the authority which is imagined to be in the Pope, as he is spirituall Prince, of the Monarchy of the Church, cannot lay this Obligation vpon their Consciences: first because the Doctrine it selfe is not certaine, nor presented as matter of faith: Secondly because the way by which it is conueyed to them, is suspitious and dangerous, being but by Cardinall Bellarmine, who is various in himselfe, and reproued by other Catholiques of equall dignity, and estimation.

WEe may bee bold to say, that there is much iniquity, and many degrees of Tyranny, in establishing so absolute and transcendent a spiritual *Monarchy*, by

by them, who abhorre *Monarchy* so much, that though one of their greatest Doctors, to the danger of all Kings, say, [a] *That the Pope might, if hee thought it expedient, constraine all Christians to create one temporall Monarch ouer all the world*: yet they allow no other Christian *Monarchy* vpon Earth, so pure and absolute, but that it must confesse some subiection and dependencie. *The contrarie to which* [b] *Bellarmine* saies, is *Hereticall*; And yet there is no *Definition* of the Church, which should make it so. And hereby they make *Baptisme* in respect of *Soueraintie*, to bee no better then the bodie in respect of the soule. For, as the bodie by inhærent corruption vitiates the pure and innocent soule, so they accuse *Baptisme* to cast an Originall seruitude and frailtie vpon *Soueraintie*: which, hauing beene strong and able to doe all Kingly offices before, contracts by this *Baptisme* a debilitie and imperfection, and makes Kings, which before had their Lieutenancie and Vicariate from God, but Magistrates and Vicars to his Vicar, and so makes their *Patents* the worse by *renewing* & *confirming*.

[a] *Fran. a Victor. Relect. de potest. Ciui. 1. Nu. 14.*

[b] *Responsi. ad Doct. Venet. propos. 1. §. Prima hæc.*

2 Nor doe they only denie *Monarchie* to Kings of the Earth, but they change the state and forme of gouernment in *heauen* it selfe; and ioyne in *Commission* with God, some such persons, as they are so farre from beeing sure that they are there, that they are not sure, that euer they were heere. For their excuse, that none of those inuocations

which are vſed in that Church, are ſo directly intended vpon the Saints, but that they *may* haue a lawfull interpretation, is not ſufficient. For words appointed for ſuch vſes, muſt not only be ſo conditioned, that they *may* haue a good ſenſe, but ſo, that they may haue no ill. So that to ſay, *That God hath reſerued to himſelfe the Court of Iuſtice, but giuen to his Mother, the Court of Mercie,* And that a[a] *deſperate ſicke perſon was cured by our Lady, when he had no hope in Phyſitians, nor much in God,* howſoeuer ſubtill men may diſtill out of them a wholeſome ſenſe, yet vulgarly and ordinarily they beget a beliefe, or at leaſt a blinde practiſe derogatorie to the Maieſtie, and Monarchie of God.

[a] *Swertius in Epitaph. Patauii. Nulla erat in Medico ſpes, neque multa Deo.*

3 But for this *ſpirituall Monarchie* which they haue fanſied, I thinke, that as ſome men haue imagined, and produced into writing, diuers *Idæas*, and ſo ſought what a *King*, a *Generall*, an *Oratour*, a *Courtier* ſhould be, So theſe men haue only Idæated what a *Pope* would be. For if he could come to a true and reall exerciſe of all that power which they attribute to him, I doubt not, but that *Angell*, which hath ſo long ſerued in the place of being the particular *Aſſiſtant* in the *Conclaue*, (for, ſince they affoord a particular *Tutelar Angell* to euerie *Colledge* and *Corporation*, And[a] *to the race of Flyes and of Fleas, and of Ants*, ſince they allowe ſuch an *Angell*[b] *to euery Infidell Kingdome*, [c] *yea to Antichriſt*, [d] *yea to Hell it ſelfe*, it were verie vnequall

Victorellus de cuſtodia Angelorum.

[a] *Fol.* 16.

[b] *Fol.* 133.
[c] *Fol.* 121.
[d] *Fol.* 17.

quall to denie one to this place,) This *Angell*, I say, would be glad of the roome, and become a Suiter to the *holy Ghost*, to name him in the next *Conclaue*. For he should not onely enlarge his *Dioceſſe*, and haue all the lower world vnder him, but hee shall haue those two principall *Seraphins* which euer attend the *Pope*, *Michael*, and *Gabriel*; (for, that *Gabriel* is the second, *Victorellus* produces two very equall witnesses, *The Romane Litanie*, and *Tasſoes Hierusalem.*) And all the particular *Angels* of all spirituall *Societies*; And (because also (as he saies) he is *Temporall Lord*) all the *Archangels*, and *Principalities*, which gouerne particular estates, shall concur to his Guard and assistance. Fo.104. Fo.105. Fo.106.

4 As *Nero* had an officer *A voluptatibus*, So, it seemes, haue the Popes, *A titulis*. And flatterers haue alwaies a Complacencie and Delight in themselues, if they can bestow a stile and Title vpon a great Prince, because therein they think they contribute somthing to his greatnesse; since Ceremonie is a maine part of Greatnesse, and Title, a great part of that. And now they had obserued, that all the chiefe Titles of the Pope had been attributed to others, and were in their Nature and vse communicable; For *all the Apostles, and all the Disciples of Christ, are called Vicarij Christi*; And this name will not serue his turne, if it were peculiar to himselfe. For, as his *Victoria* teaches vs, [a] *This Vicariate doth not enable him to doe all thinges which* *Aquin. contr. Gent. cap. 20.* [a] *Franc. a Victor. de potest. Pape et Concil. §. Ad Quintum.*

are not expresly forbidden him (as some doe thinke) but onely such things as are expresly graunted vnto him, and therefore his claime by that Title will be too strict. And the name of *Vniuersall Bishop*, was giuen to *Cyprian*, when hee was stiled, *Totius orbis Præses*. And in that sense it may iustly bee giuen; For as a *Physician* or *Chyrurgion*, which hath taken into his Cure any one part of a mans body, either corrupted, or in danger of being so, may iustly be said to looke to, and preserue the body of such a man; So that *Bishop* which gouernes well one Church, is therein a *Bishop* of the whole Church, & benefits the whole mystical body therof, by reason of the strong relation, & indissoluble cõnexion of all the parts, with one another, and to the head.

Hiero. de locis Hebra.

5. And for that stile of *Pontifex Maximus*, which either is not due to the Pope, or else is so sublime and transcendant a name, as *Bellarmine* could bring it within no *Rule* nor *Predicament*, when hee makes vp the *Canon* of the Popes *fifteene Titles, by all and euery one of which*, hee sayes, *his Primacie is euidently collected;* They saw it giuen to *Athanasius*, in *Ruffinus*. And the name of *Pope* was so communicated, that not onely euery *Bishop* was called a *Pope*, but *Cyprian*, *The Pope*. *Quem Christiani suum Papam vocant*. In the estimation of which name, they haue often fluctuated and wauered. For, almost for nine hundred yeeres, they affoorded it to all: Then they restrain'd it to the *Bishop*

De Pont. l. 2. c. 31. § Argumentum.

L. 2. c. 26.

Hiero. Epist. ad Chromat. Par. 2. l. 4.

Azor. Mor. Instit. c. 4. § Porro.

Bishops of Rome, to which purpose [a] *Biel* vpon the *Canon of the Masse*, cites diuers Canons, though farre from the matter.

[a] *Lect. 23. Dist. 96 In Scripturis, & c. 6. q. 1. Sacerdotes, &c.*

6 And euer since the *Reformation* of the Church was couragiously begun, and prosperously and blessedly prosecuted, they hauing beene call'd *Papists* for their implicite relying vpon the *Pope*, lest their owne Argument against vs, *That to bee denominate from any person, is a marke of Heresie*, should be retorted vpon themselues, they haue in all Dedications and publike Acts, as much as they can, forborne, and declin'd that name *Pope*, and still vsurped, *Summus Pontifex*, and *Pontifex Maximus*. And yet being stil vrged and followed, and hauing no escape, but that the name of *Papists*, stickes to them, and by their Rules imprints some markes of *Heresie*; though *Bellarmine*, a little ashamed of the name Papist, say; *That onely the Lutherans, and a few neighbour Countreyes call them so*: Yet that late *Carmelite* that hath defended *Lypsius*, sayes confidently. [a] *We are Papists; we confesse it; and* [b] *we glory in that Name.*

Bellar. de Eccles. milit. l. 4. c. 4.

Ibidem § At inquiunt.

[a] *Anastas. Cochelet. Palestrit. bono. f. 9.*
[b] *Fo. 6.*

7 And this name of Pope, they are the rather content to take to him againe, because they thinke that we grudge him that name. For so that *Counceller* of the *Parliament* of *Burdeaux*, which in his *Historie of the progresse and decay of Heresie*, hath taken occasion to speake of the affaires of *England*, in which, because no man should doubt of the trueth

Florimond. de Remond. l. 6.

trueth therof, he profeſſes to follow *Sanders*, and *Ribadeneyra*, (by whome a Morall man may as well be inſtructed for matter of Fact, as a Chriſtian might be by *Arrius* or *Mahomet*, for his Faith) ſayes, *That Henrie the eight, made it Felonie to call the holy Father Pope, or to reade that name in any Booke, and not to blot it out.*

8 Hauing therefore found ſuch eaſineſſe, and flexibility in all olde Names, they haue prouided him now of this name *ſpirituall Prince*; in a larger ſenſe, then that great Prince, whom they call *Præſte-gian* aſſumes it (for that name ſignifies *Apoſtolique*, and *Chriſts Vicegerent*, in his owne kingdomes) or then *Chriſt* himſelf euer aſſumed, or the *Holy Ghoſt*, by the Prophet *Eſay*, reckoning vp his moſt glorious titles, euer attributed to him; and yet in that place of *Eſay*, both his eternall Kingdome by his filiation, and his euerlaſting Kingdome of glory, inchoated in his reſurrection, and his Kingdome of grace in our conſciences, are euidently to bee diſcerned: For, though there be mention of *Principality*, yet it is ſaid, *Principatus ſuper humerum eius*, which your *Doctor* expounds of *carying the Croſſe*; and that he ſhall be *Princeps pacis*, which is *Intrinſicall*, (aies the ſame *Expoſitor*, & belonges to the Conſcience. But this *Doctrine* which muſt ſo ſettle and affirme a Catholique conſcience, that it muſt binde him to die, and entitle him to *Martyrdome*, hath no touch, nor tincture

Brancheda Oratiad Imp. de mutat. Imper. fo. 18.

Eſay. 9. 6.

Lyra.

ſture of either of theſe Principalities, of *Patience*, or of *Peace*, but all therein is *Anger* and *Warre*, not onely with that ſword of two edges, of the *Word* and *Cenſures*, which is his, but with two ſwords; which now we ſhall ſee how he claimes.

9 *The Pope repreſents Chriſt to vs (ſaies Bellarmine) as he was, whilſt he liued amongſt men: nor can we attribute to the Pope any other office, then Chriſt had as he was a mortall man.* And in this Capacitie, ſaies he, *Chriſt neither had the execution, nor the power of any temporall Kingdome.* And that therefore, *if the Pope, as a King, can take from any King the execution of his place, he is greater then Chriſt; and if he cannot, then he hath no Regall power.* Thus hee diſputes againſt thoſe which entitle the Pope to a Direct, and Ordinary Iuriſdiction ouer Princes.

De pont. l. 5. c. 4 §. Supereſt.

Ibid. § Sed iam.

§. Cæterum.

Ca. 3. §. Gregorius.

10 And the ſame reaſons and grounds, by which he deſtroies that opinion, will deſtroy his; which is, *That as Chriſt was, ſo the Pope is, ſpirituall prince, ouer all men, and that by vertue of that power, he may diſpoſe of all temporall things, as hee ſhall iudge it expedient to his ſpirituall ends.*

Ca. 4. §. vt igitur.

11 For firſt, againſt that opinion of *Ordinarie* Iuriſdiction hee argues thus; *If it were ſo, it would appeare out of the Scriptures, or from the Tradition of the Apoſtles: but in the Scriptures, there is mention of the keyes of Heauen, but none of the Kingdomes of the earth; nor doe our Aduerſaries offer any Apoſtolique Tradition.* Will not you then, before you receiue

Ca. 3 §. Eadē

so deepe impression of *Bellarmines* doctrine, as to pay your liues for maintenance thereof, tell him, That if his opinion were true, it would appeare in *Scripture*, or *Apostolique tradition*? And shal poore and lame, and slacke arguments coniecturally and vnneceſſarily deduced from similitudes and comparisons, and decency, and conueniency binde your iudgements, and your liues, for reuerence of him, who by his example counsels you, to cal for better proof? wil you so, in obeying him, disobey him, & swallow his conclusions, & yet accuse his fashiō of prouing them? which you do, if when he cals for scriptures against others, you accept his positions for his sake, without scriptures.

12 Another of *Bellarmines* reasons against *Ordinary* Iurisdiction, is, *That Regall authority was not*
Ca. 4. § confirmatur. *neceſſary nor of vse in Christ to worke his end, but superfluous and vnprofitable.* And what greater vse, or necessity can the Pope haue of this *Extraordinarie* authority (which is a power to work the same effects, though not by the same way) then *Christ* had, if his ends be the same which Christs were? and it appeares that *Christ* neither had, nor forsaw vse of either, because he neither exercised nor instituted either. For, that is not to the purpose, which
Ca. 4. § Vt igitur *Bellarmine* saies, *that Christ might haue exercised that power if he would*, since the Popes authority is grounded vpon *Christs example*; and limited to that: For *Christ* might haue done many thinges which

which the Pope cannot do; as conuerting all the world at once, instituting more sacraments, and many such: and therefore *Bellarmine* argued well before, *that it is enough for him to proue, that Christ did not exercise Regall power, nor declare himselfe to haue it* which *Declaration* only, and practise, must be drawen into Consequence, and be the precedent for the Pope to follow. *Ca.3.§ Gregorius.*

13 The light of which Argument, *that the Pope hath no power, but such as Christ exercised*, hath brought so many of them to thinke it necessarie to proue *That both Christ did exercise Regall authority in accepting Regall reuerence vpon Palme-Sunday, and in his corrections in the temple, And his iudgement in the womans case which was taken in Adulterie. And that S. Peter vsed also the like power, in condemning Ananias and Saphira, and Simon Magus.* *Maynardus de priuil. Eccles. Ar. 7. N. 5. 6. 9.* *Idem. Ar. 8. n. 3. 5*

14 In another place *Bellarmine* saies, That S. *Paul appealed to Cæsar, as to his Superiour Iudge*, not onely *de facto*, but *de Iure*; and that *the Apostles were subiects to the Ethnique Emperours, in all temporall causes, and that the law of Christ, depriues no man of his right, which he had before*. And lately in his *Recognitions* he departs from this opinion, and denies that he was his Iudge, *de Iure*. If his first opinion be true, can these consist together, that he which is subiect in temporal causes, can at the same time and in the same causes be superiour? Or that he ouer whom the Emperour had supreame tempo- *De pont. l. 2. c. 29. § Respond. primo*

rall authority, should haue authority ouer the Emperour in temporall causes? and what is there in the second opinion, that should induce so strong an Obligation vpon a conscience, as to die for it; Since the first was better grounded (for, for that he produced Scriptures) and the second is destitute of that helpe, and without further search into it, tels vs, that neither the Doctrine, nor the Doctor are constant enough to build a Martyre-dome vpon.

15 Thus also *Bellarmine* argues, to our aduantage (though he doe it to proue a necessity of this power in the Church) *that euery Common-wealth is sufficiently prouided in it selfe, to attaine the end, for which it is instituted.* And, as we said before, the end of a Christian Common-wealth, is not onely Tranquility (for that sometimes may be maintained by vnchristianly meanes) but it is the practise of all morall vertue, now explicated to vs, and obserued by vs, in the exercise of Christian Religion; and therfore such a Common-wealth hath of it selfe, all meanes necessary to those ends, without new additions: as a man consisting of bodie and soule, if he come from infidelity to the Christian Religion, hath no new third essentiall part added to him, to gouerne that body, and soule; but onely hath the same soule enlightned with a more explicite knowledge of her duety.

Ca.7. § Secunda ratio.

Ca.6 § Ita prorsus.

16 *Bellarmine* also tels vs, *That in the Apostles time,*

time, these two powers were seperated, and so all the Temporall was in the *Emperour*, as all the Ecclesiasticke in the *Apostles* and that *Hierarchie*. By what way then, and at what time came this Authoritie into them, if it were once out? For, to say, that it sprong out of Spirituall Authoritie, when there was any vse of it, were to say, that that Authoritie at *Christs* institution had not all her perfections and maturity, and to say, that it is no other but the highest act, and a kinde of *prerogatiue* of the spirituall power, will not reach home. For you must beleeue and die in this, that the Pope as spirituall Prince, may not onely dispose of temporall matters, but that herein hee vses the *temporall sword*, and temporall iurisdiction.

17 But when *Bellarmine* saies, That *this supreme authority resides in the Pope, yet not as he is Pope, And that the Pope, and none but he, can depose Kings, and transfer Kingdomes, and yet, not as Pope*, I professe that I know not, how to speake thereof with so much earnestnesse, as becomes a matter of so great waight. For other Princes, when they exercise their extraordinarie and Absolute power, and *prerogatiue*, and for the publique good put in practise sometimes some of those parts of their power, which are spoken of in *Samuel*, (which to many men seeme to exceede *Regall power*) yet they professe to doe these things as they are *Kings*, and not by any other authoritie then that. l.5.C.6. 1.Sam.8.11.

18 And if there be some things which the *Pope* cannot doe as *Pope*, but as *chiefe spirituall Prince*, this implies that there are other *inferiour spirituall Princes*, which are *Bishops*: (for so *Bellarmine* saies, *That Bishops in their Dioceſſes are Eccleſiaſtique Princes.*) And haue *Bishops* any such measure of this spirituall *principality*, that they may do somthings by that, which they cannot doe, as they are *Bishops*?

De Pont. l. 4. c. 15. §. At in.

19 All *Principalities* maintaine their being by these two, *reward*, & *punishment*. How lame then and vnperfect is this spirituall *principality*, which can affoord but one halfe? For it is onely then of vse, when the *Pope* will punish, and correct a King, by Deposing him: for all *Rewards* & *Indulgences* in this life, and in the next, hee conferres and bestowes, as hee is *Pope*, and needes not this Title, to doe any good which is in his power. And for corrections and punishments, all which we are sure he can lawfully doe, which is, to inflict Church censures, vpon those who are vnder his spirituall obedience, he doth as he is *Pope*, and needes not this *principalitie* for that vse neither.

20 But for irregular actions, and such as occasion tumult and sedition, he must be a *spirituall Prince*. For, saies *Bellarmine*, *Though the Pope as he is president of a generall Councell*, (and he is that, as he is Pope) *ought to follow the greatest number of voyces in making Decrees, yet as he is chiefe Prince, hee is not*

De Concil. l. 1. c. 18. §. Dico.

not bound to doe so, but may follow the lesser number. And yet scarse constant to himselfe, he sayes, That *this libertie belongs to the Pope, because he hath the assistance of the holy Ghost*: Now the Pope, as Pope, hath the assistance of the holy Ghost, (for else his Determination in Cathedra, in matters of faith, were not by his Ordinarie, and Direct power,) and therefore as Pope hee may follow the fewer voyces in a Councell, and as Pope (or no way) he may depose Princes.

21 For as, though they seeme to place more power, or dignitie, in *Pontificatu*, then in *Apostolatu*, because the Popes date their *Rescripts*, from the time of their *Election* to their *Coronation*, thus, *Anno Apostolatus primo, &c. and seale but with halfe the seale*, but after their Coronation, they begin to call their gouernment *Pontificatum*: yet all the authority which they haue, is certainly in them from their *Election*, because saies the *glosse*, that conferres *præsulatum*: so they haue fancied & imagined a *Principatum* aboue all these, yet certainly all the authoritie they haue, is as they are *Popes*. Which serued them to doe mischiefe enough, before this new title was inuented. And to say, that they haue authoritie, as they are *Popes*, to do some acts, as they are not *Popes*, is such a darke, and mistie, and drowsie Doctrine, as it is the fittest and most proportionall *Martyrdome* in this businesse, for a man to dreame that he died for it.

Reg. Furis in 6. C. fin. glos. verb. Pontificatus.

22 For

22 For it is ſtrange that theſe men can diſcerne and diſtinguiſh in the ſame *office*, betweene the Pope, and a ſpirituall Prince, when as *Philip* the laſt King of Spaine, could not diſtinguiſh betweene the *Perſon* and the *Office* of the Pope: for being in ſo much forwardneſſe, that he had giuen the *D. of Alua* Order to beſiege *Rome*, becauſe *Paul* the fourth had brought into *Italy* an Armie of *French*, to infeſt the Kingdome of *Naples*, and being ſolicited by the *Venetians*, to deſiſt from offending the Pope, though hee aunſwered, *That his preparations were not againſt the Pope, but againſt Peter Caraffa his ſubiect, and a Rebell*, yet when the *Venetians* replied, *that if he could ſeperate Caraffa from the Pope, they would intercede no farther, elſe they would giue the Pope their aſſiſtance*, the King, ſaies a Catholique writer, gaue ouer, *becauſe he ſaw it impoſsible to diſtinguiſh them.*

Lelio medici contr. i. Venetia. Sopra il ſonda 2. fo. 194.

23 And as the *Doctrine* it ſelfe is too inexplicable, for any man to aduenture thereupon his life, or ſuch dangers as the lawe eſteemes equiualent to this purpoſe, which are, *all ſuch damages as induce a iuſt feare*: So is the Channell and way by which it is deriued to vs, ſo various, and muddy, as that alſo ſhould retard any man, from ſuch a Preiudice, and ſuch an Anticipation of the reſolution of the Church herein as it is, to ſeale with life, that which no man yet knowes, how the Church will determine. For, in *Bellarmine*, who hath

hath got the reputation to be the principall of this faction (though I confesse he found the foundation of it, and his best Arguments for it, in our Countriman *Sanders*, out of whom and *Stapleton* and a few more, that Church hath receiued more strength, then from the late writers of all other Nations,) his authority and credit is not onely infirmed and impaired, in that, *Baronius*, a man of as much merit of the Church, and rewarded by her, with the same *Dignitie*, is of a contrarie opinion, but also, because auerring, *that his opinion is the opinion of the Diuines, and the other onely of Canonists, Diuines* themselues, (for such *Baronius* and *Bozius* are) haue more then others oppugned it.

24 And so that new *Order* of the *Congregation*, of which both they are, beeing (as I said before) laid for a stumbling block, that the world, which in such a rage of Deuotion ranne towards the *Iesuites*, might be arrested a little vpon the contemplation of an Order which professed *Church-knowledge*, as the other did *state-knowledge*, hath exceeded the *Iesuites* in their owne Art, of flattering and magnifying the Pope. For they haue maintained his *Direct* and *Ordinarie* power, whereas the other haue but prouided him a new and specious Title. And so not only such as *Carerius* layes the imputation of *Impious Politician* vpon *Bellarmine* and all his followers in this point, And bitterly *Anathmatises Bellarmine* by name, and maintaines *Titulo libri.*

De Pont. l. 2. c. 8.
l. 2. c. 11.
l. 5. c. vlti.

taines *this power to be in the Pope, either as Pope, or not as Christs Vicar*, But *Bozius* also calls these men *nouos Theologos*, and sayes, *They teach doctrine euidently false, and such as fights against all Truth.* And another *Catholique* writer, though hee impugne both these opinions, of *Bellarmine*, and *Baronius*, yet he protests, that the opinion which *Bellarmine* calls the *Canonists* opinion, is the more probable, and defensible: *because*, saies hee, *that opinion is not against the order of Nature; that the Pope should exercise such a power, which they maintaine to be directly granted to him: but that opinion, which they call the Diuines opinion, is against Nature, since it admits the exercise of such an Authority, as is neither by name granted, nor necessarie to the ends of the Church:* And therefore, saies this Catholique, *though the Diuines ouerthrow the Canonists, yet they proue not their owne opinion.* And in another place he saies, That *though Bellarmine haue giuen as much to the Pope, as honestly he could, and more then he should haue done, yet he was so farre from satisfying the Pope herein, that for this opinion the Pope was very neere condemning all his workes, as*, saies he, *the Iesuites themselues, haue tolde mee.*

Barclaius de pot. Pap. c. 1. §. mihi.

Cap. 3. in Princ. et ca. 40.

25 VVhich disposition of enclining to the *Canonists* opinion, appeares still in the Popes, who accept so well the bookes of that purpose, that the greatest part of those Authors, which I haue cited in this booke, of that matter, are dedicated

to

to the late Popes. So that, that Doctrine, which is so much denied in the *substance* and *Essence* therof, that all wayes of the *existence* thereof are peremptorily denied, hath not yet receaued concoxions enow from the Church, to nourish a conscience to such a strength, as *Martyrdome* requires. For that, which their great *Doctor Franciscus a Victoria* pronounces against his *direct Authoritie*, we may as safely say against that & the *indirect*, This is the strongest proofe that can be against him, *This Authority is not proued to be in the Pope, by any meanes, and therefore he hath it not.* To which purpose he had directly said before, of the direct Authoritie, *It is manifestly false, although they say that it is manifestly true; And I beleeue it to be a meere deuise, only to flatter the Popes. And it is altogether fained, without probability, Reason, Witnesse, Scripture, Father, or Diuine. Onely some Glossers of the law, poore in fortune and learning, haue bestowed this authority vpon them.* And therefore, as that *Ermit* which was fed in the Desert by an Angell, receaued from the Angell withered grapes, when hee said his prayers, after the due time, and ripe grapes when he obserued the iust time, but wilde sower grapes when he preuented the time, so must that hasty and vnseasonable obedience to the Church, to die for her Doctrine, before she her selfe knowes what it is, haue but a sower and vnpleasant reward.

De potest. Eccles. Sect. 6. Nu. 4.

Ibid. Nu. 2. et 3.

Aluarez spécul. vtri. Dignit. ca. 33. Nu. 4.

CHAP. X.

That the Canons can giue them no warrant, to aduenture these dangers, for this refusall: And that the reuerend name of Canons, is falsly, and cautelously insinuated, and stolne vpon the whole body of the Canon law, with a briefe Consideration vpon all the bookes thereof; and a particular suruay, of all those Canons, which are ordinarily cyted by those Authours, which maintaine this temporall Iurisdiction in the Pope.

TO this *spirituall Prince*, of whom we spoke in the former Chapter, the huge and vast bookes of the *Canon law*, serue for his *Guarde*. For they are great bodies loaded with diuers weapons of *Excommunications*, *Anathems*, and *Interdicts*, but are seldome drawen to any presse or close fight. And as with *temporall Princes*, the danger is come very neere his person, if the remedie lie in his *guard*, so is also this *spirituall Prince* brought to a neere exigent, if his title to depose Princes must be defended by the *Canons*. For, in this *spirituall* warre which the *Reformed Churches* vnder the conduct of the *Holy Ghost*, haue vndertaken against *Rome*, not to destroy her, but to reduce her to that obedience, from which at first the vnaduisedly strayed, but now stubbornly rebels against it, the *Canon* law serues rather to stoppe a breach, into which men vse to cast as wel straw and Feathers, as Timber and Stone, then to main-

maintaine a fight and battell.

2 This I speake not to diminish the Reuerence or slacken the obligation which belongs to the ancient *Canons* and *Decrees* of the Church; but that the name may not deceiue vs; For, as the heretiques *Vrsalius*, and *Valens*, got together a company at *Nice*, because they would establish their Heresies, vnder the name of a *Nicene* Councell, (which had euer so much reputation, that all was readily receiued, which was truely offered vnder that name) so is most pestilent and infectious doctrine, conuayed to vs, vnder the reuerend name of *Ecclesiastique Canons*. *Carranza. sum. Concil. fo. 92.*

3 The body of the *Canon law*, which was called *Codex Canonum*, which contained the Decrees of certaine auncient Councels, was vsually produced in after-*Councels* for their direction, and by the intreaty of popes, admitted and incorporated into the body of the Romane and Imperiall law; and euer in all causes, wherein they had giuen any *Decision*, it was iudg'd according to them, after the Emperours had by such admittance giuen them that strength.

4 And if the body of that law, were but growen and swelled, if this were a *Grauidnes*, & *Pregnancy* which she had conceiued of *General Councels* lawfully called, and lawfully proceeded in, and so she had brought forth children louing and profitable to the *publique*, and not onely to the *Mother*,

(for how many *Canons* are made onely in fauour of the *Canons*?) all Christian Princes would be as inclinable to giue her strength, and dignity, by incorporating her into their lawes, and authorising her thereby, as some of the *Emperours* were. And had the *Bishops* of *Rome* maintained that purity, and integrity of Doctrine, and that compatibleneſſe with Princes, which gaue them authority at firſt, when the Emperours conceiued ſo well of that Church, as they bound their faith to the faith thereof (which they might boldly doe at that time) perchance Princes would not haue refuſed, that the adiections of thoſe later Popes ſhould haue beene admitted as parts of the *Canon law*: nor ſhould the Church haue beene peſtred, and poiſoned with theſe tumors, & excreſcences, with which it abounds at this time, and ſwelles daily with new additions.

Cod. de Sum. Trinit. le. 1. Cunctos

5 In which, if there bee any thinge which bindes our faith, and deriues vppon vs a *Title to Martyrdome*, if we die in defence thereof (as there are many things deriued from *Scriptures* and Obligatory *Councels*) the ſtrength of that band riſes ſo much from the nature of the thing, or from the goodneſſe of the ſoile, from which it was tranſplanted to that place, that though we might be *Martyrs*, if we defended it in that reſpect, yet wee ſhould looſe that benefit, though it be an euident and Chriſtian truth, if we defend it vpon that reaſon,

ſon, *That it is by approbation of the Pope inſerted into the body of the Canon law*; which is a *Satyr*, and *Miſcellany* of diuers and ill digeſted Ingredients.

6 The firſt part whereof, which is the *Decretum* compiled by *Gratian*, which hath beene in vſe aboue foure hundred yeares, is ſo diſeaſed and corrupt a member thereof, that all the Medicines, which the learned *Archbiſhop Auguſtinus*, applied to it, and all that the ſeuerall *Commiſsioners*, firſt by *Pius the fift*, then by *Gregory the thirteenth*, haue practiſed vpon it, haue not brought it to any ſtate of perfect health, nor any degree of conualeſcence.

7 But though that *Biſhop* ſay, *That Gratian is not worthy of many words*, though in his diſpraiſe, yet becauſe he tels vs, *That the ignorant admire him, though the Learned laugh at him*; And becauſe hee is accounted ſo great a part of the *Canon Law*, as euen the *Decretall Epiſtles* of the Popes are call'd *Extra* in reſpect of him, as being out of the *Canon Law*, it ſhall not be amiſſe to make ſome deeper impreſſions of him. *De Emendat. Grat. l. 1. Dial. 1.* *Ibid.*

8 Thus farre therefore the *Catholicke Archbiſhop* charges him, *To haue beene ſo indiſcreete and precipitate, that he neuer ſtood vpon Authoritie of Bookes, but tooke all, as if they had beene written with the finger of God, as certainely as Moſes Tables*; And hee is ſo well confirm'd in the opinion of his negligence, that he ſayes, *He did not onely neuer Iudge and waigh, but neuer ſee the Councels nor the Regiſters of Popes, nor* *L. 2. Dial. 8.* *L. 1. Dial. 4.*

the

the Workes of the Fathers: And therefore sayes hee, *There is onely one remedy left, which is, Una litura.* And in another place, *That there can bee no vse at all made of this Collection, but that a better must be attended, out of the Originals.*

L.1.Dial.19.

L.1.Dial.16.

9 But if his errour were onely in *Chronologies*, as to giue Pope *Nicholas* a place in the Councell of *Carthage*, who was dead before; Or in *Arithmeticke*, as when purposely he enumerates all the *Councels*, to make the number lesse by foure. If this weakenesse had onely beene, that he was not able to spell, and so in a place of much importance, to Read *Ephesus* for *Erphesfurd*, *Hierome*, for *Ieremie*, and *Hereticke* for *Henrie*, and a hundred such; If he had stopp'd, either at mistaking of true Authors, as to cite out of Saint *Peter*, that which Saint *Paul* sayes (which libertie his *Glosser* extends farther, and therefore cites a whole sentence, for *Scripture*, which is no where) Or if he had stai'd at imagining words out of false Authors, as to cite the *Councell* of *Geneua*, and *Macharius* the Pope, which neuer were, (as he and the *Palea* doe) there were an open way for him, as it is said in that *Dialogue*, to say with the Apostle, *Quia ignorans feci.*

L.1.Dial.3.

Ibid.

Ibid.

I.Dial.4.

Ibid.

Dist.43.si quis. verb.postulat.

L.1.Dial.4.

L.2.Dial 8. 1.Tim.1.13.

10 But we also finde malignitie and danger to our cause, in his *Falsifications*. For, to dignifie the Sea of Rome, hee cites *Ambroses* wordes thus, *Non habent Petri hæreditatem, qui non habent Petri sedem*; which in *Ambrose* is obseru'd to be, *Petri fidem.*

De pœnit. Dist.1 potest fieri.

dem. And to eſtabliſh the exemption of Clergie men from ſecular Iuſtice, hee cites this out of a *Councell* now a thouſand yeeres paſt, *Clericum nullus preſumat pulſare apud Iudicem Sæcularem*; Whereas the words of the Councel are *Clericus nullius preſumat.* And ſo the Councell layes a Commandement vpon the Clergie, but *Gratian* layes it vpon the Layetie. 11.q.1.*Clericum Ex Conc. Agath. Can.32.*

11 Which falſitie, *Binius*, citing the Councell aright, and *Gratians* words alſo right in the Margine, forbeares to obſerue or reprehend, and diſſembles the iniurie done to the world therein. But *Bellarmine* hath delt herein with more obnoxiouſneſſe, and leſſe excuſe, then *Binius*, becauſe hauing no reference at all to *Gratian*, hee cites the words out of the Councell it-ſelfe; and hauing ſaid, *That Counſell pronounces in this point more clearely, in theſe words*; He cites the words, falſely, and corruptly as *Gratian* did before. *Tom.2.fo.306.* *De Clericis l.1.c. 23.§ Tertia.*

12 And as for ſuch iniquities as theſe, we haue reaſon to decline *Gratian*, as iniurious to vs: So alſo in Charitie towards them, which are caried with an implicite Faith in *Canons*, in which name *Gratian* is enwrapped, we are bound to tell you how vnworthy he is, to bee relied vpon by you. For in the point of the *Emperours* Electing the *Pope*, hee hath ſpoken ſo dangerouſly, that *Baronius* is forced to giue this cenſure vpon him, *Gratian, out of too much credulitie, improuidently writ out a moſt ma-* *Baron.To.9. Ann.774.n.13. Dſt.65 Hadrianus.5. & Diſt.63 In Synodo.*

nifeſt impoſture, and inſerted that, as a moſt ſtrong Decree, all which, with the Author thereof, ſhould rather haue beene biſſed away, and purſued with execrations, which alſo he ſaies of another place in *Gratian*, to the ſame purpoſe; and accuſes him *of mutilating the famous lawes of Charles the Great, called Capitularia.*

To 9. *Anno* 801. fo. 622. 11. q. 1. *Volumus.*

13 With like danger to the *Romane* Sea, hee cites a *Canon* of a *Greeke* Councell, whoſe ſenſe he apprehended not, in the matter of mariage of Prieſts; for he ſaies, *that that Canon was grounded vpon the Apoſtles Canons*; and yet it is contrarie to the Canons of the Romane Church. So that of this place, that *Archbiſhop* of whom I ſpoke before, exclaimes, *who can endure this?* and that *by no meanes it may be receaued.*

Diſt. 31. *quoniam.*

li. 1. *Dial.* 8.

14 And not onely in matters of fact (though that be the right legge vpon which the Romane Religion, (eſpecially in Crowne Diuinitie) doth ſtand) doth *Gratian* deceaue you, but euen in ſuch things as are *matters of faith*: both naturally, and ſo, common to all men; As when he allowes *that there may be perplexities in euill*, and ſo in ſome caſes a neceſsitie of ſinning, and then, ſayes he, *the remedie is to chooſe the leſſe euill*; as alſo of that which is matter of faith, eſpecially to the profeſſors of your Religion, which is the neceſsitie of *Orall Confeſsion*: for, hauing produced authorities on both ſides, whether it be *neceſſarie* or no, he leaues it

Diſt. 13. *Duo Mala. And Neru.*

De penitent. Diſt. 1. *Quamuis in fine.*

it as indifferent to the Reader, to allow & chooſe which opinion he likes beſt.

15 And becauſe the *Gloſſe* is now by ſome thought, to be of equal authoritie with the *Text*, it is not an inconuenient way to eneruate both, by preſenting ſome of the vanities and illuſions of that. And though I will not in ſo ſerious a buſineſſe, inſiſt vpon ſuch thinges, as might make ſport and moue laughter, yet theſe few I may be excuſable to let fall in this place. When *Gratian* ſpeakes of that *Parable* of the *loſt ſheepe*, and ſaies, out of the Goſpell, that the 99 were left in *Deſerto, id eſt*, ſayes the Gloſſe, *In Cœlo, quod Diabolus per peccatum deſeruit.* Which beſides the detortion, deſtroyes vtterly the purpoſe of our *Sauiour*, in that *Parable*. And ſo when *Gratian*, out of a *Councell* cites an Act to be done, *in Eccleſia Romanorum, id eſt*, ſaies the Gloſſe, *Conſtantinopolitanorum.*

Luc. 15. 4.

Diſt. 5 *Quia ſanctitas. verb. In Deſerto.*

24. q. 2. *Sane profertur. Verb. Item.*

16 In many places *Gratian* ſaies, that [a] *Dioſcorus had not erred, in fide*; which being euidently falſe, for [b] he followed and defended *Eutyches* his Hereſie, the gloſſe remedies it thus, *Non in fide, id eſt, non in fide tantum*. And out of his fauour to *Prieſts*, where *Gratian* ſayes out of *Bede*, *That Prieſts muſt alwaies abſtain from their wiſes*, the gloſſe ſaies, *Semper, id eſt, Horis debitis*. And when out of the *Nicene* Councell it was produced, *That a Prelate might haue in his houſe no women, except his mother, or ſiſter, or ſuch fit perſons, as might auoid ſuſpition,*

[a] *Diſt.* 22. *in tantum. in fine.* 24. *q.* 2. *Sane profertur.*

[b] *Diſt.* 15. *Canones. et gloſ. ver. Defenſorem.*

Diſt 31. *Sacerdotibus. ver. ſemper.*

Diſt. 33. *Interd xit. verb. Idoneas.*

Dist. 34. Quærundum. ver. fama.

spition, that is, saies the glosse, *His mens wiues.* And when *Lanfred* a young lusty *Bishop*, and a great huntsman, was defamed also for immoderate familiarity with his owne daughter, the glosse saies, *It was not for any euill, for they were too neere in blood, but because he kissed her so much openly, and put his hand in her bosome.*

Ibid. Vidua. ver. multorum.

17 And lastly, to stay you no longer, in this ill aire, where the text saies, *Meretrix est, quæ multorum libidini patet*, the glosse brings this indefinite number to a certaine, and saies, that that name belongs to her, *when shee hath lyen with 2 3000. men.*

18 And as these Authors in whom there are these aspersions, and such weedes as these, are therefore vnworthy, that either the Popes approbation should fall vpon them, or that any obligation should be throwne vpon our consciences, from their authoritie: so is it impossible, that any such approbation should include them both; for the *glosse* doth sometimes (when no reconciliation can serue him) depart from *Gratian* with some disdaine; as when he saies, *Superficialis est Argumentatio Magistri*: and sometimes in choler; as one notes him to say, *Fateor plane te mentitum, Gratiane*: And sometimes hee doth positiuely teach the iust contrarie to *Gratian*, in matter of faith; as in the Doctrine of *perplexities*, which wee noted before.

Dist. 68. sicut. ver. sicut.

Alb. Gent. de lib. Iur. C. 2.

Dist. 13. Duo mala.

19 How dangerous therfore it is to confide in *Gratian*

Gratian, we see already, & may haue further light, by obseruing, That *Bellarmine* saies, that in a main point of Canonicall Scriptures, *Gratian was deceiued, by trusting a false copie of Saint Augustines workes*: And as *Bellarmine* saies here, that *Gratian* was deceiued, so *Gratian* deceiued him, for in that Canon which we cyted before, of the exemption of Clergy men, either *Bellarmine* was a direct falsifier of the *Councel*, or an indiscreet & credulous swallower of *Gratians* errours; which in his Recognition he refuseth not to confesse in another matter, whē he retracts some things which he spoke vpon the credit of *Gratian*, & there repents & recāts thē.

De Concil. autor. l. 2. c. 13. § Sed obijciunt.

Dist. 19. In Canonicis.

20 But you and *Bellarmine* may easily be misled by him, since euen a Pope himselfe was brought into a false perswasion by his errour. For, till of late, all the copies of the *Decretum*, in that famous *Canon*, *Sancta Romana*, which distinguishes *Canonicall* from *Apocryphall* writings, in stead of the wordes, *Sedulij opus*, *Heroicis versibus descriptum*, had these wordes, *Hereticis versibus*. Which saies a Catholique authour, *induced not onely many wise men, but euen pope Adrian 6. to a perswasion, that all Poetry was Heretical*; since *Gelasius* a Pope, and Author of that *Canon*, though he praised *Sedulius* his worke, in that place, yet because it was writ in verse, he cals them *Hereticos versus*.

Dist. 15.

Pierius de Barb. sacerdo. §. At videte.

21 Of them therfore which will binde their faith to the *Canons*, and aduenture these dangers

Dist. 75. quod a patrib. gloss. ver. sabbati.

for that faith (as the *Canonists* say, *that Saterday and Sunday is all one, fictione Canonica* so wee may say, that they are but Martyres *fictione Canonica*; and that not onely a *Martyr*, and a *Selfe-murderer*, but a *Martyr* and a *Traytor*, may be all one, *Fictione Canonica*. And by such fiction, that English Priest *Bridgewater*, which cals himselfe *Aquipontanus*, ouerturning and re-enuersing his name with his conscience, may be beleeued, when he saies, *That those Priests which were executed vnder Queene Elizabeth, died pro inficiatione pontificatus fæminei*: But their malice was not because she would haue bin a *Priest*, but because she would not be a *Sacrifice* to their *Idolatry*, nor *Ambition*; nor open her heart to their inchantments, nor her throate and sides to their poisons and swords.

Respo. ad Georg. Soha. de Antichrist. 1 hes. 15.

22 The next limme in this great body of the *Canon* law, after the *Decretum*, is the *Decretall*; set out by *Gregory* the ninth, who was Pope about the yeare one thousand two hundred thirty. And as the *Decretum* pretends to bring to all purposes, sentences of Fathers, and Canons of Counsells; So this pretends principally the *Rescripts* and *Decretall* letters of Popes. So also, doe all the other bookes, which were set out after, in supplement of this: as that, which is called *Sextus*, set forth by *Boniface* the eight, who was Pope, *An°.* one thousand three hundred: and the *Clementines*, which *Clement* the fift set out, who was Pope within sixe yeares

yeares after: and those *Extrauagants*, which beare the name of *Iohn* the two and twenty, within ten yeares of *Clement*: and those which are called *common Extrauagants* because they come from diuers Popes: and to these is added not long since the booke called *Septimus Decretalium*.

23 And thus this fat law (for so *Ciuilians* say of that, that it is *Crassa æquitas*; which is a praise beyond desert, though they speake it in diminution & scorn) grows daily so fast, that as any corruption can get entertainment in a grosse body, so I doubt not but this, or the next age, shall see in their *Octaues* and future *Volumes*, not onely many of their letters, yet for shame cõcealed, but at *Henry* the thirds death, canonized in the body of this law. For though they haue denied it with some earnestnesse, yet they haue also confest, that if it were such as it is said to be, it admits a good interpretation.

24 But for these bookes, though they haue more credit with them then the *Decretum* hath, I will ease my selfe of that labour, which I tooke in that booke, in presenting particular defects and infirmities, both because we haue *Bellarmines* confession, *That there are many things in the Decretall Epistles, which doe not make a matter to be De fide, but onely doe declare, what the opinions of the Popes were in those causes*, and because a Catholique authour of whom we spake before, hath obserued, that the compiler

De Pont. l. 4. c. 14. § Respond. nec.

Picrius de Barba sacerd. § Hoc in genere.

compiler of the Decretals, by leauing out a word, in a Canon of a Councell of *Carthage*, hath occasion'd the Church euer since, to doe directly against the purpose of that Councell, in shauing the heads of *Priests*. For where as the Councell is cited by him, *Clerici nec Comam Nutriant nec barbam*, by occasion whereof, many subsequent orders were brought in, for *Shauing*, and transgressors seuerely punish'd, it appeares that he left out in the end, the word *Radant*, which vtterly changed the precept into the contrary. These Canons therefore, of so sickely and weake a constitution, that any thing deiects them, cannot preuaile so much vpon our consciences, as to imprint and worke such a confidence in them, and irremoueableness from them, as to maintaine them with the same maner of testimonie, as we would doe the words of God himselfe.

De vit. & hon. Cleri. Clericus.

25 For, howsoeuer they depart from them, and seeme somewhat negligent of the *Canons*, when we make vse of them to our aduantage against them, yet they affright and enthrall the tender consciences of their owne *Disciples*, with nothing more, then the name of *Canons*, to which promiscuously they ascribe all reuerence and assent, without distinguishing to them, which are *Gratians*, and which are *opinionate*, and which *Decretall*, for all together are approoued and confirmed. And therefore the *Canons* themselues not only

only inflict an *Anatheme* vppon any Lay-man, which shall so much as dispute vpon, the text, or any one *Iod* of the Epistle of Pope *Leo*, which is in the *Canons*, but also pronounce it *blasphemy against the holy Ghost, to violate a Canon willingly*, because they are made by the hyoi Ghost And *Bellarmine* also, writing against a *Doctor* which had defended the *Venetian* cause, against the Popes Censures, saies, *That it is a grieuous rashnesse, not to be left vnpunished, that he should say, The Canons, as being but Humane lawes, cannot haue equall authority with Diuine.* For this (saies *Bellarmine*) *is a contempt of the Canons, as though they were not made by the direction of the holy Ghost.* And yet these Canons which that *Doctor* intimated, were but two, and cyted but by *Gratian*, and concerned onely Exemption of Clergie men from secular Iudges.

Dist. 15 sanctæ Romanæ.

25. q. 1. Violatores.

Responsi. ad Docto. Theolo. propositi. tertia § Tertia hæc.

Marsily defens. Docto. Ca. 5, § Errat. XI.

26 And so *Parsons* when he is to make his aduantage of any Sentence in *Gratian*, vses to dignifie it thus, *That it is translated by the Popes into the Corps of the Canon law*, and so not onely *allowed* and *admitted*, and *approued*, but *commended*, and *commanded*; and as he addes after, *Canonized and determined for Canonicall law, and authorized and set forth for Sacred and Authenticall, by all Popes whatsoeuer:* For they continue still that practise which *Frederic* the *Emperour* obserued in his time, when they interdicted his Kingdome of *Sicily*, *Offundunt bibulis auribus Canones.*

Treat. of mitig. Ca. 7. n. 42.

Nu. 43.

Nu 43

Petr. de vineis. Epist. 4. l. 1.

27 And when they list to vrge a *Canon*, any litle rag torn or fallen off from thence, must bind the Church *de fide*, as a cathedrall, and Decretall resolution: for so saies he, that made the Notes vpon *Cassianus*, excusing *Origen*, *Chrysostome*, & some other Fathers, for inclining to *Platoes* opinion of *allowing some vse of lies, in wise men, That it was lawfull till the Church had defined the contrary: But now*, saies he, *the Pope hath decreed it.* And how hath he decreed it? In a letter vpon a question of *Vsurie*, the Pope saies, [a] *Since the Scriptures forbid lies, euen for defense of any mans life, much lesse may vsury be permitted.* But, if in this question of lying, the band did not arise out of the euidence and truth of the matter it selfe, but relied vppon the authority of the Popes *declaration*, and *decision*, can such a ragge casually and incidentally fall into a letter of another purpose, by way of comparison, binde the whole Church, *De fide*? when as, though *Sixtus* 4. had so much declared himselfe to fauour the opinion of our *Ladies conception* without originall sinne, that he had by [b] one Canon instituted a particular *Festiuall* thereof, and appointed a particular *Office* for that day, with many Indulgences to the obseruers thereof; yet the fauourers of the contrary opinion, forbore not for reuerence of that Canon, to preach publiquely against that Doctrine, till some yeares after, he forbad it vnder paine of Excommunication, by another Canon, *that any should*

Cassianus lugduni. Ann. 1606 fo. 740.

[a] *De Vsuris super eo.*

[b] *Extrau. Com. De reliqui. cum per excelsa.*

[c] *Ibid. Graue.*

should affirme that she was conceaued in originall sinne; and yet, [d] this is not esteemed as yet for all this, *to be decreed as a matter of faith* in that Church: yea, it is so farre from it, that after all these solemnities and preiudices of that Pope, yet the *Commissioners* of *Sixtus* the fift, and *Gregory* the thirteenth (appointed to expunge all dangerous passages in the *Canons*) in the *Gloße* vpon that [e] *Canon*, which reckons all the *festiuall* daies which are to be obserued, haue left these words vntouched, *The Conception of our Lady is not named, because it ought not to be kept, though in England, and some other places it be; And the reason is, because she was conceaued in originall sinne, as all but Christ, were.* And after, the *Iesuite*, of whom I spoke before, had refreshed that Doctrine, *That a Confession of a person absent, made by letters, was Sacramentall*, and *Clement* the eight, was so vehement against it, that by a solemne decree he condemned it, *for false, rash, and scandalous at least*, and commaunded, *that no man should speake of it but by way of condemning it*, and excluded euen *dumbe men* from this benefit, yet another *Iesuite* since, a great *Doctor perplexorum*, findes escapes to defend that Doctrine from beeing Heretical.

[d] *Victorell. de Custod. Angelo. fo. 99.*

[e] *De Consecra. Dist. 3. Pronunciandum Glos. ver. Natiuitas.*

Comitolus Resp. Mor. lib. 1. q. 16.

28 So that, though in trueth there goe verie many Essentiall formalities to such a *Decree* as bindes the conscience, *De fide*, yet these men when they need the Maiestie of a Canon, will euer haue

fetters in all corners, to holde all consciences which offer to slip or breake from them, and still oppresse them with waights, and with Mountaines of *Canons*. Which way, the *Canonists* doe not only approue as the most conuenient to hold men in that *Religion*, because the *Canons* are more easily varied, and flexible, and appliable to occasions, then the *Scriptures* are; but also (because ordinarily the *Canonists* haue no other learning) they think the way by Canons, to be the fittest means, to reduce them whom they call *Heretiques*. For so sayes one of them, in his booke to the present *Pope*, (with much acutenesse, certainty, and subtilty,) *The Canons may well be alleadged against Heretiques; because they alleadge Scriptures, and they cannot know Scriptures, by any other way then Canons.*

Maynardus de Priuil. Eccl. Ar. 11. N. 8. 9.

29 But besides, that I haue giuen you sufficient light, to look into the deformity and corruption of the *Canons*, (which, GOD forbid any should vnderstand me to meane of *Canons*, in that sense and acceptation, that the Ancients receaued it, which is, of the Constitutions of Orthodox Councels, for I take it here, as your *Doctors* do, & as your *Confessors* doe, for the whole body of the *Canon law*, extant) before I enter into the survay of those particular *Canons*, which vsually are obtruded in this point of the Popes *temporall Supremacie*, I will remember you briefly, of some of those reasons and occasions, (such as may be fittest to vn-

vn-entangle your consciences, and deliuer them from perplexities) in which the *Canons* doe not binde vs to their obseruation.

30 Of which, one of the most principall and important is, That *Canons doe neuer binde, though they be published and knowledge taken of them, except they bee receaued, and practised in that Country.* So saies *Gratian*, *Lawes are instituted, when they are published, but confirmed, when they are put in practise.* And therefore, saies he, *none are guilty of transgressing Telesphorus Decree, that the Clergie should fast fiftie dayes, because it was neuer approued by practise.* No more doth the Decree of *Alexander* the third, though vnder excommunication, *That in Armies there should bee abstinence, for reuerence of certaine dayes*, binde any man, because it was not practised: which opinion *Nauarre* also followes; and a late *Canonist* writing to this Pope, calls it, *Singularem, et Magistralem, et a toto mundo allegatum.* And vpon this reason the Councell of *Trent* bindes not yet in some Countries, in neither Tribunall of conscience, or the outward censures of the Church, because it is not receaued.

Dist. 4. In istis.

De tregua et pace C. 1. Tregua. gloss. verb. frangere.

Manual. c. 23. Nu. 41.

Vgolini. resp. ad 7. Theolo. §. 1. Nu. 9.

31 And can you finde that any such *Canons*, as enable the Pope to depose a Prince, haue beene admitted by our Princes, and practised as ordinarie and currant law? Or can you finde any *Canon* to this purpose, with the face and countenance of a law, made by the Popes in reposed & peace-

able times, and deliuered quietly as a matter of Doctrine and conſcience, and ſo accepted by the Church and ſtate? For if in *temporall Sciſmes*, and differences, for *temporall* matters, betweene the *Popes* and other Princes, the Popes to raiſe or maintaine a party againſt their enemies, haue ſuffered ſeditious *Bulls*, and *Reſcripts* to paſſe from them, to facilitate and effect their enterpriſes then in hand, this is farre from the nature of a law, and from being accepted and *practiſed*, and ſo iuſtified, as it may be drawne into conſequence, and haue power and ſtrength to binde the conſcience.

Azor. To. 2. l. 7. c. 3. §. Quares. Vgotini. vbi ſupra.

32 And as *acceptation* giues life to law, ſo doth *diſuſe*, or *cuſtome* to the contrarie abrogate it. And howſoeuer a ſuperſtition toward the *Canons*, may ſtill be preſerued in ſome of you, yet the generall ſtate, that is, the ſame authority, by which thoſe Canons were receaued before, which euer had anie ſtrength here, hath diſuſed them, & pronounced againſt ſo many of them, as can fall within this queſtion, that is, *Such as bee derogatorie to the Crowne*. For, if theſe lawes bee not borne aliue, but haue their quickning by others *acceptation*, the ſame power that giues them life, may by *deſertion* withdraw their ſtrength, and leaue them inualid.

33 And thus much ſeemed needfull to be ſaid in the firſt part of this chapter, that you might ſee how

how putrid and corrupt a thing it is, which is offered to you vnder the reuerend name of *Canons*; And that though this *Canon law* be declined, and extenuated when we vrge it, yet euery Sentence thereof is equall'd to *Diuine Scripture*; and produced as a *definition* of the Church, when it may worke their ends vpon your consciences, which, for diuers reasons issuing out of their owne rules, should now be deliuered from that yoake.

THE SECOND PART.

FOr the second place in this Chapter, I reserued the consideration and suruay of those *Canons* which are Ordinarily vsurped for defence of this *temporall Iurisdiction:* In which my purpose is not, to amasse all those *Canons* which incline toward that point, of which condition those which exexempt the Clergy from secular Iurisdiction, and very many other, are, but onely such as belong more directly to this point, to which the *Oath* stretches, That is, whether the Pope may depose a Soueraine Prince, and so we shall discern whether your consciences may so safely relie vpon any resolution to be had out of the *Canons*, that you may incurre the dangers of the law, for refusall thereof.

2 Of

2 Of which Canons, though I will pretermit none, which I haue found to haue beene vrged, in any of their Authours, I will first present those *Fower*, which are alwaies produced with much confidence and triumph: Though one *Catholique* Author, which might be aliue at the making of the *Clementines* (for he liued and flourished about 1350, and *Clement* the fift died not much before 1320.) haue drawen these foure *Canons* into iust suspition: for thus he saies of them, *The Pastors of the Church putting their Hooke into another mans Harueſt, haue made foure Decretals, which, God knowes, whether they be iust or no: But I doe not beleeue (yet I recall it if it be erroneous) that any of them is agreeable to Law, but I rather beleeue that they were put forth against the libertie of the empire.*

Albericus in Dictionar. ver. Electio.

3 The first is a letter of *Innocent* the third, who was Pope about 1199. to the *Duke of Caringia* the occasion of which Letter, was this; *Henry* the son of *Frederic* the first, of the house of *Sueuia*, succeeding his Father in the *Empire*, had obtained of the Princes of *Germany*, to whom the Election belonged, to chuse as Successor to him, his sonne *Henry*: but hee being too young to gouerne, when his father died, they tooke thereby occasion, though against their Oath, to leaue him; being also desirous to change the stocke, and chuse an Emperour of some other race; By this meanes was Duke *Bertholdus*, by some of the Princes elected;

De Electio & Electi. potest. Venerabilem.

cted; but resign'd againe to *Philip* brother to the dead Emperour, in whom the greatest number consented. But some of the other Princes had called home out of *England*, *Otho* of the house of *Saxony*, and elected him. Hereupon arose such a *schisme*, as rent that country into very many parts: And then *Innocent* the third, an actiue and busie Pope (for it was he which so much infested our King *Iohn*) sent his *Legate* into those parts, vpon pretence of composing those differences. And being in displeasure with the house of *Sueuia* for the Kingdome of *Sicily*, which was in their possession, but pretended to by the Church, his Legate disallowed the election of *Philip*, and confirmed *Otho*. But some of the Princes ill satisfied with the Legates proceeding herein, complained thereof to the Pope; in aunswere whereof the Pope writes to one of them, this Letter. In which, handling his Right of *confirming* the elected Emperor, though he speake diuers things derogatorie to the dignity of *Princes*, discoursiuely, and occasionally, yet is not this letter such a *Decree*, as being pronounced *Cathedrally* in a matter of faith, after due consultation, should binde posteritie, but onely a direction to that person, how he ought to behaue himselfe in that businesse.

4 The Letter may be thus abridged; *VVe acknowledge the right of the Election to be in the Princes, especially because they haue it from the Apostolicke Sea,*

which transferred the Empire vnto them: But, because we must consecrate the Person elected, we must also examine his fitnesse. Our Legate therefore did no Acte concerning the Election, but the person elected. Wee therefore repute OTHO Emperour; For, if the Electors would neuer agree, should the Apostolicke Sea alwayes be without a defender? We haue therfore thought it fit, to warne the Princes, to adhere to him. For there are notorious impediments against the other: as publicke Excommunication, persecuting the Church, and manifest periurie. Therefore wee commaund you to depart from him, notwithstanding any Oath made to him, as Emperour.

5 And is there any matter of Faith in this Decretall? Or any part thereof? Is it not all grounded vpon matter of fact, which is, the Translation of the Empire which is yet vnder disputation? Doe not many Catholicke writers denie the verie act of *Transferring* by the Pope; And saye, That the people being now abandoned and forsaken by the *Easterne Emperours*, had by the law of Nature and Nations, a power in themselues to choose a King? And doe not those which are more liberall in confessing the *Translation*, denie that the Popes *Consecration*, or *Coronation*, or *Vnction*, infuses any power into the Emperor, or works any farther, then when a Bishop doeth the same ceremonies to a King? Is it not iustly said, that if the Emperour must stay for his Authoritie, till the

Pope

Pope doe theſe acts, he is in worſe condition, by this increaſe of his Dominions then he was before. For, before he was *Emperour*, and had a little of *Italy* added to him, there was no doubt but that he had full iuriſdiction, in his owne *Dominions* before theſe Ceremonies, and now hee muſt ſtay for them.

6 And may not the Popes queſtion in this letter, be well retorted thus, *If the Pope will not crowne the Emperour at all, ſhall the Empire euer lacke a head?* For the Pope may well be preſumed to be ſlacke in that office, becauſe he pretends to be *Emperour* during the *vacancie*. But beſides that an ouer earneſt maintaining of this *that the Emperour had no iuriſdiction in Italy, before theſe Ceremonies*, would diminiſh and mutilate the patrimonie of the Church, of which a great part was conferred and giuen by *Pipin*, before any of theſe ceremonies were giuen by the pope, the gloſſer vpon the *Clementines*, is liquid & round in this point, when he ſayes, *That theſe ceremonies, and the taking of an Oath, are nothing*; and that now, *Reſipiſcente mundo*, the world being growne wiſer, *there muſt be no longer ſtriuing for both ſwords*. *De Iureiurando.*

7 For thoſe *notorious impediments*, which the Pope obiects in this letter, againſt *Philip*, if they were ſuch as made him *incapable* of Election, then there was a *Nullity* in the choiſe, and the Pope did nothing but declare that; which may often

fall out in ſtates, which elect their Princes, becauſe there are many limitations, but in *Succeſſorie* princes, it cannot hold: but if theſe were not ſuch impediments, by the lawes which gouerned the Electors, they became not ſuch, by this Declaration. For one of them, which is *manifeſt periurie*, the pope himſelfe was ſome cauſe of his continuing therein. For the oath was made to his brother, in the behalfe of his young Nephew, who ſhould haue beene *Emperour*. And now the Pope had not onely diſabled him, but all the other Princes, from keeping that oath, by electing or confirming another Emperour.

8 But if all which the Pope ſayes in that letter, ſhall not onely bee ſtrong enough to binde the Election, but to binde the conſciences of poſterity, as matter of faith, his laſt reaſon againſt *Philips* election, muſt haue equall ſtrength with the reſt, which would bee of dangerous conſequence; for it is, *That if after his Father had beene Emperour, and his Brother, he alſo ſhould ſucceede, the Empire would paſſe from Election to ſucceſſion, and none ſhould be aſſumed but of one houſe*; Either then it is matter of faith, *that three of one family may not ſucceed in an Elective ſtate*, or, as this is, ſo all the reſt are but arguments of inconueniencie & vnfitnes.

9 And this abſoluing this *Duke*, to whom he writes, of his Oath, is but of an Oath made *Ratione Regni*, to him who neuer had the Kingdome: and

and therefore that power of absoluing, cannot by this *Decretall* be extended to such *Oathes*, which are acknowledged to haue beene iust, when they were made, as being made to lawfull and indubitable Princes. And certainly (for though you dare not heare, yet wee dare speake trueth,) the whole purpose in that act, of the Pope, was corrupt, and farre from intention of making peace. Of whose profit by reason of that dissention one of your owne *Abbats*, sayes, *That there was scarse any Bishoprick, or Parish Church, which was not litigious, and the Suite brought to Rome, Sed non vacua Manu*, And so he proceedes, *Gaude, Mater nostra Roma, because all flowes to thee, aperiuntur Cataractæ thesaurorum. Reioyce for the iniquitie of the Sonnes of men; Jocundare de Adiutrice tua Discordia. Thou hast now that which thou didst alwaies thirst. Sing thy song, because thou hast ouercome the world, not by thy Religion, but the wickednesse of men, for men are not drawne to thee by their owne Deuotion, or by a pure Conscience, but by the doing of manifolde wickednesses, and by buying the Decision of their Suites and Causes.*

Vspergens. fo. 1198.

10 The second *Canon* vsually produced, and noted by *Albericus* (as I said) to be against *Iustice*, issued vpon this occasion. When *Otho* whom the former Pope had established against *Philip*, became vnthankfull to the Pope, hee also was excommunicate: and *Frederick*, the Sonne of the

De Sent. et re iudic. in 6. Ad Apostolicæ.

first *Frederick*, to whom the Princes had sworne in his Cradle, was elected and crowned; with whom also, because hee would not goe into the holy land, and expose the Kingdome of *Sicily* to their Ambition, the Popes fell out, and excommunicated him thrice. And when a generall Councell was gathered by *Innocent* the fourth, for the relieſe of the holy land, the Pope himselfe propoſed Articles against the *Emperour*. Whoſe Aduocate *Thaddæus* promiſed all, which might conduce to peace and Reformation on his Maiſters behalfe. This ſatisfied not the Pope, but he asked for *Sureties*: and when the Kings of *England* and *France*, were offered, the pope refuſed them, vpon pretence, that if the Emperor ſhould remaine incorrigible, the Church ſhould by this means raiſe more heauy enemies to it ſelfe. Then *Thaddæus* proceeded to excuſe his Maiſter, in all the particular obiections, and deſired that hee might be perſonally heard, but to that the pope replied, *If he come I will depart, for I doe not yet finde my ſelfe fit and ready for martyrdome.* Yet the *Engliſh* which were there, extorted a fortnights leaſure for the *Emperours* comming: but he not daring or diſdaining to come, the pope proceeded to this ſentence of *Depriuation*; which, ſayes the Relater thereof, *He thundred out terribly, not without the amazement and horrour of all the hearers and by-ſtanders*. And *Thaddæus* proteſted vppon it, *This day*

Binius To. 3. par. 2. fo. 1482.

day is a day of wrath, and of calamity and miserie.

11 So this Bull proceeded from a distempered Pope, and at a time when hee was not assisted with the *Holy Ghost*, for he was not in a readines to suffer *Martyrdome* for him. And where the *Inscription* saies, it was *Presenti Concilio*; the Margin notes, that it is not said *approbante Concilio*, though it assigne this for the reason, least the Pope should seeme to neede the Councell.

12 So that, though it reach full as farre as *Pius* the fift his Bull against our late *Queene* (for it *depriues*, it *absolues* Subiects, and it *excommunicates* all adherents) yet it hath nothing by which it should be called a *Canon*, or lawe to direct and gouerne posterity; for there might be as much infirmity in this act of *Depriuing*, as in the former of *Excommunicating*; yea it was subiect to much more errour then that acte of spirituall iurisdiction, which hath beene lesse questioned: yet in the preamble of this sentence, the pope saies of those former sentences, *If the Church haue iniured him in any thing, she is ready to correct her selfe, to reuoke, and to make satisfaction.* So that it may be, the pope erred in both these acts.

13 Nor doe those wordes which are in the Inscription, *Ad perpetuam rei Memoriam*, giue it the strength of a precedent, and obligatorie *Canon*, but rather declare out of what shoppe it came, since that is the ordinary stile of the *Romane Court*, and not

not of the *Canons* of Councels. Nor can it euer be deduced by any consequence, out of this *Sentence*, That the Pope hath the same power ouer other *Soueraigne Princes*, as he exercised there against the *Emperour*; because hee proceeded against him (though vitiously and iniuriously, and tyrannically) by colour of a *Superiority* claimed by him, and then not denied by the Emperour, but testified by diuers *Oathes of Fidelity* to him, which cannot be extended against those princes, which admit no dependency vpon him, by any reason conteined in this Sentence.

Clement. de Sentent. & re iudic. pastoralis. Anno 1306.

14 By the third of these foure principall *Rescripts*, *Clement* the fift annuls a *Iudgement* made by the Emperour *Henry* the seuenth, against *Robert* king of *Sicily*, whom as a subiect of the *Empire*, the *Emperour* had declared a Rebell, and depriued him of his Kingdome and absolued his subiects of their obedience. And the reasons why the Pope interposes himselfe herein, are not grounded vpon his power, as he is *Pope*, or as he is *spirituall Prince*, but meerely as he is a *temporall Prince*. For first he saies, *The King of Sicily held that Kingdome of the Church; and the Pope*, who was thereby his ordinary iudge, *ought to haue beene called to the iudgement*; And that the *Emperour could not take knowledge of faults committed at Rome*, as those, with which that King was charged, were laid to be: *Nor his Iurisdiction and power of citation extend into the territory of the Church*

Church where that King was then residing: nor he bee bound vpon any Citation, to come to a place of so certaine danger.

15 It is not therefore for this part of the *Decretall*, that either they alleadge it so frequently, or that *Albericus* laid that marke vpon it, that it betrayed the authority of the Emperours; for in this particular case, I should not bee difficult to confesse, some degrees of *Iustice*, in prouiding that the *Sentence* of the *Emperor* should not preuaile, where naturally and iustly it could not worke; especially the pope proceeding so mannerly, as to reuoke it after the *Emperors* death; and as the Glosse saies, *Ad tollendum murmur Populi*, who grudged that the *Emperour* should dispose of them, who were the subiects of the Church.

16 But the danger is in the last clause, which is, *We out of the Superiority, which without doubt we haue ouer the Empire, and out of that power, by which we succeed therein, in a vacancy, and by that power which Christ gaue vs in Peter, declare that iudgement to bee voide, and reuoke all which hath beene done thereupon.* For the first part of which Clause, touching his *Superiority* ouer the *Emperor*, if he had any (which, as many good authors denie, as affirme it) he had it by contract betweene the *Emperour* and the *Church*; and he neither can, nor doth claime that, at least not all that which hee pretended in the Empire, in other princes dominions; for where

doth he pretend to succeede in a *Vacancy*, but in the *Empire*? And if he had that right, *Iure Diuino*, it would stretch to all other places: And if it be by *Contract*, that cannot be but conditionall and variable in it selfe, and not to be drawen into example to the preiudice of any other prince. And for his last title, which is the power derived by *S. Peter* to him, because in this place he extends it no further but to a defence of *S. Peters patrimony*, and onely by declaring a *Sentence* to be void, which otherwise might scandalize some of his subiects, we haue no reason to exagitate it in this pl ce, nor haue you any reason to assure your consciences, by the instruction or light of this *Canon*, that that power extends to any such case, as should make you, in these substantiall circumstances, of great detriment, refuse this Oath.

Clement. de Iure iurando vnica.

17 The fourth *Canon*, which is, the *Clementine* of the diuers Oathes sworne by the *Emperours* to the Popes, though it be euer cited, and be by *Alhericus* iustly accused of iniustice: yet it can by no extension worke vpon your conscience. For the purpose thereof is but this; That differences continuing betweene the *Emperour* and the King of *Sicily*, and the Pope writing to reconcile them, he vseth this as one induction, *That they had both sworne Fidelity and Alleageance to him.* The Emperor answered, *That he vnderstood not that Oath, which he had taken, to be an Oath of Alleageance:* And therfore the

the Pope, after the *Emperours* death, in this *Decretall* pronounces, That *they are Oathes of fidelities and Alleageance, and that whosoeuer shall be created Emperour, shall take those Oathes, as such*. But, to leaue it to the Lawyers, (whose tongues, and pennes are not silenced by this *Decretall*,) to argue whether they be oathes of *Alleageance*, or no, and imposed by the pope essentially, so as the Emperour had no iurisdiction without them (the first being a *Constitution* of the Emperour *Otho*, and not of the pope (if it be rightly cited by *Gratian*) The second but an oath of *Protection* of the Church, and the pope, And the third, only of a pure and intire obseruing of the *Catholique* faith) who can presse an argument out of this *Canon*, though it were wholly confessed and accepted as it lies, that the pope may depose a king of *England*? For *Bellarmine* informes your consciences, beeter then any of those Confessors, who auert you from the oath, by this, and such *Canons*, That *the Empire not depending absolutely vpon the Pope, but since Charlemains time, this Oath of Alleageance is taken of the Emperour, because the Pope translated the Empire vpon him*. And whether this be true or false, in the latter part of translation, yet his reason and argument discharges all other supreme princes, ouer whom the pope hath no such pretence.

Dist. 63. Tibi Domino.

De Pontif. l. 5. C. 8. § Septimum.

18 Hauing passed through these foure, wee will consider those *Canons*, which are in *Gratian*,

Dist. 96. Constantinus.

to this purpose. The first whereof may iustly be the *Donation* of *Constantine*. Which though it be not *Gratians*, but inserted, by the name of *Palea* (of whom, whether hee were a man of that name, a Scholler of *Gratian*, or whether he called his Addition to *Gratian*, *Paleas* in humility, the *Canonists* are like to wrangle, as long as any body will read them) yet it is in the body and credit of *Canon* law.

19 Towards the credit of this *Donation*, there lackes but thus much, to make it possible, That the *Emperour* had not power, to giue away halfe his Empire, and that that *Bishop* had not capacitie to receiue it, And but thus much of making it likely, That the Church had no possession thereof, but that it remained still with the Successors of the Emperours: for if it had these degrees of *possibility* or *credibility*, & did not speake in barbarous language discording from that time, nor in false Latine vnworthy of an Emperours Secretarie, nor gaue the pope leaue to confer orders vpon whom he would, nor spoke of the Patriarchate of *Constantinople*, before it had either that *Dignity*, or that *Name*, I should be content, as I would in other fables, to study what the Allegory thereof should be. But since the Pope can liue without it, And *Azorius* tells vs, that though the Donation bee false, yet the Pope hath other iust titles to his estates, (though, by his leaue, he hath no such title,

To. 2. l. 4. c. 19. et 20.

as

as will authorize him to depose Princes, as Soueraigne Lord ouer all the Westerne Kings, as they pretend by this, if it were iustifiable) I will leaue it as they doe, as a thing too suspicious and doubtfull, to possesse any roome, but that which it doth in *Gratian*. Onely, this I will adde, that if the power of the Emperour were in the Pope, by vertue of this Donation, yet wee might safely take this Oath, because this Kingdome hath no dependance vpon the Empire.

20 The next that I finde alleadged, (to keepe this Order, as they lie in *Gratian*) is a sentence taken out of *S. Augustine*, by which you may see how infinite a power, they place in the Pope: His words are: *If the King must bee obeyed, though hee commaund contra Societatem, yea, it is contra Societatem, if he be not obeyed, because there is a generall contract in humane Societies, that Kings must be obeyed; how much more must we obey God, the Gouernour of all Creatures?* *Dist. 9. Quæ contra.*

And do they which alleadge for the Popes Supremacy ouer Princes, intend the Pope to be Gouernour of all Creatures? Doth he gouerne Sea, and Elements? or doe they thinke that the will and commandements of God are deriued to vs onely by the way of the Pope? or why should not wee thanke them, for producing this *Canon*, since it is direct, and very strong for Kings, and for the Popes, it is but common with all other Ma-

giſtrates, who muſt be obeyed, when God ſpeaks in them, or when they ſpeake not againſt God?

Diſt.10.lege. 21 In the tenth *Diſtinction*, one Pope by the teſtimony of two other popes, ſaies, *That the Eccleſiaſtique Conſtitutions muſt be preferred before the Emperours lawes:* And the caſes mentioned there, are, the conſtituting of a Metrapolitane, & the diſſoluing of a Mariage, vpon entring into Religion; to which, I ſay, that theſe caſes, by conſent of the Emperours, were vnder their iuriſdiction. And if you gather a generall rule by this, of the force of *Canons* aboue *Ciuill* lawes, you proceede indirectly, accepting the ſame perſons, for *Parties*, *Iudges*, and *Witneſſes*: and beſides it is not ſafe arguing from the Emperour to another abſolute Prince, nor from the authority, which Canons haue in his Dominions, to what they ſhould haue in all.

Diſt. 21. Omnes. 22 In the 21. *Diſtinction*, A Pope writing to a Biſhoppe of *Milan*, tolles him, That the dignities and preheminences of Churches, muſt be as the Biſhoppe of Rome ſhall ordaine, becauſe Chriſt committed to *Peter*, which hath the keyes of eternall life, *Iura terreni ſimul & Cæleſtis Imperij*. But if he meane by his *Terrenum Imperium*, the diſpoſing of the dignities and preheminencies of Churches one aboue another in this world: Or if he meane by it, That he hath this *Terrenum Imperium*, as he hath the keyes of heauen, that is to binde and looſe

looſe ſinnes, by ſpirituall cenſures and Indulgences of abſolution, in which capacity he may haue authority ouer the higheſt ſecular Princes; for any thing conteined in this Oath, this *Canon* wil do vs no harme. But if hee meane that Chriſt gaue him both theſe authorities together, and that thereby he hath them as *Ordinary Iudge*, then *Bellarmine* and all which follow the Diuines opinion of indirect power, will forſake him; and ſo may you by their example.

23 After, another Pope, *Gelaſius* writes to *Anaſtaſius* the Emperour, comparing Secular and Eccleſiaſtique dignity: And he ſaies, *You know that you depend vpon their iudgement:* but this is, ſaies the Gloſſe, *in ſpirituall matters.* And becauſe this *Canon* comes no neerer our queſtion, then to iuſtifie in the Pope a power of excommunicating Princes, (for it aſſumes no more then *Ambroſe* exerciſed vpon *Theodoſius*) I will ſtand no longer vpon it. *Diſt. 96. Duo ſunt.*

24 And theſe be the *Canons*, which out of the Diſtinctions, I haue obſerued to be ſcattered amongſt their Authours, when they teach this doctrine: for any that preferres *Prieſt-hood* before *Principality*, ſeemes to them to conduce to that point. Now I will follow *Gratian* in his other parts where the firſt is, the Canon *Nos ſi incompetenter*, which is very often vrged, but it is ſo farre from including this power of *Depoſing*, that it excludes it; for, allowing the *Prieſt* power to *Re-* *2. q. 7. Nos ſi.*

pre-

prehend, and remembring former examples of *Excommunication*, hee addes, *Nathan in reprooving the King, executed that office, in which he was Superiour to him, but he vsurped not the Kings office, in which he was inferiour; nor gaue iudgement of death vpon him as Adulterer, or murderer.*

9.q.7. *Episcopo.* 25 In the seuenth *Question* of the ninth *Cause*, from the Canon *Episcopo*, to the end of that *Question*, there are many sayings, which aduance the dignity of the *Romane* Seate, and forbidde al men to hinder *Appeals* thither, or to iudge of the popes *Decrees*: But all these were in *spirituall causes*, and directed to *spirituall persons*, and vnder *spirituall* punishments. Onely, in the Canon *Fratres* the king of *Spaine* seemes to be threatned, but it is with *Excommunication* onely. And all these *Canons* together, are deliuered by one *Pope* of another; In whome, saies the Glosse, *It is a familiar kinde of proofe, for one Pope to produce another for witnesse, as God did proue the sinnes of Sodome, by Angels.*

Ca. patet. ver. Innocentius.

And as there is much iniustice in this manner of the *Popes* proceeding, so is there some tincture of blaspemy, in the maner of iustifying it, by this Comparison.

15.q.6. *Alius.* 26 The Canon *Alius*, which droppes out of euery penne, which hath written of this Subiect, is the first wherein I marked any Pope to speake of *Deposing*; In this, *Gelasius* writes to *Anastasius*; a Pope to an Emperour, that Pope *Zachary* his pre-

predeceſſor, *had depoſed the King of France, becauſe he was vnfit for ſo great a power.* But the Gloſſer doth the Pope good ſeruice, and keepes him within ſuch a conuenient ſenſe, as may make him ſay true; For, ſaies he, He depoſed, that is, *Hee gaue conſent to them which did depoſe*, which were the States of that Kingdome; which he ſaies, out of the Euidence of the hiſtory; for he is ſo farre from coarcting the Popes power, that wee may eaſily deprehend in the *Gloſſe*, more fraud and iniquity, then arrogance and tyrannie in the Pope. For, ſaies he, *the vnfitneſſe of the French King, was licentiouſneſſe, not infufficiency to gouerne, for then the Pope ought to haue giuen him an aſſiſtant.* To proue which, he cites two other Canons; In which places it appeares, That to Biſhoppes vnable by reaſon of age, to diſcharge their functions, the Pope aſsigns *Coadintores*, and by this the *Gloſſer* might euict, that he hath the ſame Ordinary authority to diſpoſe of *Kingdomes*, as of *Biſhoprickes*. This *Canon* therefore doth onely vnfaithfully relate the act of another *Pope*, and not determine nor decree any thing, nor binde the conſcience. 7.q.1.quamuis. petiſti.

27 In the ſame *Queſtion*, there is a *Canon* or two, in which our caſe is thus farre concern'd; that they handle the Popes authority in *Abſoluing* and *Diſpenſing* from Oathes: And the firſt is cyted often and with great courage; becauſe beſides the word *Ab omnibus Iuramentis, & cuiuſcunquemodi obligati-* 15.q.6.Authoritatem &c.

onibus absoluimus, there followes, *pursue thē with the spirituall and materiall sword.* But when we consider the case and the History, this power will not extend to our cause. For the Pope thereby doth giue liberty to some *Bishops*, to recouer by iust violence, such parts of the *Church Patrimonie*, as were taken away from them, and doth dispence with such oathes as they had beene forced to take, by those which iniuriously infested the Church. Yet I denie not but that the *glosser* vpon this *Canon* is liberall enough to the Pope, for he saies, *hee hath power to dispence against the law of Nature, & against the Apostle.*

Ibid. 28 After this, followes that solemne and famous *Canon* of *Gregory* the seuenth, *Nos sanctorum.* Of whom, since he had made a new rent in the body of the Church, (as Authors of his own Religion (if he had any) professe,) it is no maruaile that he patched it, with a new ragge in the body of the Canon law. Thus therefore he saies, *Insisting vpon the statutes of our predecessors, by our Apostolique authority, wee absolue from their Oath of Alleageance, all which are bound to persons excommunicate; And we vtterly forbid them, to beare any Alleageance to such, till they come to satisfaction.* But to whom shall these men be subiect in the meane time? To such a one as will be content to resigne, when so euer the other will aske forgiuenesse? Ambition is not an ague; it hath no fits, nor accesses,

ceſſes, and remittings; nor can any power extinguiſh it vpon a ſodaine warning. And if the purpoſe of Popes in theſe depoſings, were but to puniſh with temporarie puniſhment, why are the Kingdomes, which haue been transferred by that colour, from *Hereticall* Princes, ſtill with-held from their *Catholique* Heires?

29 But who theſe predeceſſors, of whom the Pope ſpeaks in this letter, were, I could neuer find. And it appeares by this, that this was an *Innouation*, and that he vſed *Excommunication* to ſerue his own ends, becauſe in another *Canon* he ſayes, *That many periſhed by reaſon of Excommunications; and that therefore he being now ouercome with compaſsion, did temper that ſentence for a time, and withdraw from that band, all ſuch as communicated with the excommunicate perſon, except thoſe by whoſe Counſaile, the fault was perpetrated, which induced the Excommunication.* And this, ſayes the gloſſe, he did, *becauſe he ſaw them contemne excommunication, and neuer ſeek Abſolution*; for all thoſe whom he exempts by this Canon, were exempt before his time by the law it ſelfe. So that where he ſayes *Temperamus*, it is but *Temperatum eſſe oſtendimus*; and hee did but make them afraid, who were in no danger, and make them beholden to him, whom the law it ſelfe deliuered. And of this Canon in ſpeciall words[a] one of their great men ſayes, *That it binds not, where it may not be done, without great damage of the ſubiect.*

11.q.3. *Quoniam.*

Ver. Quoniam.

Ver. Temperamus.

[a] *D'Auila Par. 2. Ca. 6. Diſp. 11. Dub. 90*

15.q.6. *Juratis.*

30 Of his Succeſſor, almoſt immediate, (for *Victor* the third laſted but a little) I finde another *Canon*, almoſt to the ſame purpoſe; for he writes to a *Biſhop*, to forbid the Souldiers of an *Earle*, who was excommunicate, to ſerue him, though they were ſworne to him. For, ſayes he, *They are not tied by any authority to keepe that alleageance, which they haue ſworne to a Chriſtian Prince, which reſiſts God and his Saints, and treads their precepts vnder his feete.* But in this man, as *Gregories* ſpirit wrought in him, whilſt he liued, for he was his Meſſenger to publiſh the Excommunication againſt the *Emperour* in *Germany*, ſo *Gregories* ghoſt ſpeakes now; for all this was done to reuenge *Gregories* quarrell; though in his owne particular hee had ſome intereſt, and reaſon of bitterneſſe, for he had beene taken and ill vſed by *Henry* in *Germany*.

Binius.To.3.par. 2.fo.1293.

q.1.Generali.

31 In the 25 *Cauſe* there is a *Canon* which taſts of much boldneſſe; *What King ſoeuer, or Biſhop, or great perſon, ſhall ſuffer the Decrees of Popes to be violated, Execrandum Anathema ſit.* But theſe (for in this *Cauſe* there are diuers *Canons*, for the obſeruing of the *Canons*) are for the moſt part ſuch imprecations, as I noted before, *Gregory* the firſt to haue made for preſeruation of the priuiledges of *Medardus* Monaſtery, and ſome other of the ſame name (of which kinde alſo *Villagut*, hath gathered ſome other examples;) And at fartheſt, they extend but to *excommunication*; and are pronounced by

De rebus Eccles. reſtitu.par.2.l.3. c.5.N.17.

by the *Popes* themſelues, and are intended of ſuch *Canons*, as are of matters of faith, that is, ſuch as euen the Popes themſelues are bound to obſerue; as appeares here, by *Leo* the fourths *Canon, Ideo permittente.* And here I will receiue you from *Gratian*, and leade you into the *Decretals*, whom they iuſtly eſteeme a little better company.

32 To proue the Popes generall right, to interpoſe in all cauſes (which ſeemes to conduce to the Queſtion in hand) they cite often this caſe falling out in *England*; which is, vpon ſeuerall occaſions three or foure times intimated in the *Decretals*. It was thus: *Alexander* the third, writes to certaine Biſhoppes in *England*, to iudge, as his *Delegates*, in a *Matrimoniall* cauſe. And becauſe the perſon whoſe legitimation was thereby in queſtion, was an heire, and the Mother dead, and the Pope thought it not fit, that after her death, her marriage ſhould bee ſo narrowly looked into, ſince it was not in her life, therefore he appoints, *That poſſeſſion of the land ſhould bee giuen firſt, and then the principall point of the marriage proceeded in.* And by this they euict for him a title in *temporall* matters *Acceſſorily*, and *Conſequently*. But if they conſider the times, they may iuſtly ſuſpect vniuſt proceeding; For it was when *Alexander* the third did ſo much infeſt our King *Henry* the ſecond. And it ſeemes he did but trie by this, how much the King would endure at his hands; for when

Qui filij ſint legit. Cauſam quæ. C. 4. & c. 7 & De offic. Deleg. ca. 17.

he vnderstood that the king tooke it ill, then came another Letter, related also in the *Canons*, wherein hee confesseth, that *that matter appertaines to the King, and not to the Church*, And therefore commaundes them to proceede in the matter of the marriage, without dealing with the possession of the land.

Tit. cod. per venerabilem.

33 Another *Canon*, not much vrged by the defenders of *direct* Authoritie, but by the other faction, is a Letter of *Innocent* the third. In which Letter, I beleeue the Pope meant to lay downe, purposely and determinately, how farre his power in *Temporall* matters extended. For it is not likely, that vpon a Petition of a priuate Gentleman, for Legitimation of his Children, who doubted not of his power to doe it, the Pope would descend to a long discourse and proofe out of both testaments, and reasons of conueniencie, that he might doe it, and then in the end, tell him, hee would not, except hee meant, that this Letter should remaine as euidence to posteritie, what the Popes power in *Temporall* causes was. Let vs see therefore what that is which he claimes.

34 A Subiect of the King of *France*, who had put away his Wife, desires the Pope to legitimate certaine Children which he had by a second wife. And, it seemes, he was encouraged thereunto, because the Pope had done that fauour to the King of *France* before: The Pope answers thus, *By this, it*

it seemes, that I may graunt your request, because I may certainely Legitimate to all spirituall capacities, and therefore it is Verisimilius, & probabilius, that I may doe it in Temporall. And, sayes he, *It seemes that this may be prooued by a similitude, because hee which is assumed to bee a Bishop, is exempted thereby from his fathers iurisdiction; and a slaue deliuered from bondage, by being made a Priest*: And, hee addes, *In the patrimonie I may freely doe it, where I am supreme Prince: But your case, is not the same as the Kings was, not only for spirituall considerations, which are, That he was lawfully seperated, and pretended neerenesse of blood, and was not forbid to marrie againe, and your proceeding hath beene without colour, and in contempt of the Church. But the King, who had no Superiour in Temporall matters, might without doing wrong to any other, submit himselfe to our iurisdiction; But you are knowen to be subiect to another.* Thus farre hee proceeded, waueringly, and comparatiuely, and with conditions and limitations.

35 And least this should not stretch farre enough, he addes; *Out of the Patrimonie in certaine causes, wee doe exercise Temporall iurisdiction casually,* Ver. Certis. which the *Glosse* interprets thus, *That is when wee are requested*: And the Pope hath said before, *That he which makes this request, must be one that hath no Superiour*: And in this place he sayes, *That this may not be done, to preiudice anothers right.* But after this, vpon a false foundation, that is, an errour in their Transla-

17.12. Translation (where in *Deuteronomie*, Death being threatned to the transgressour of the sentence, *Of the Priest and Iudge*, they haue left out the *Iudge*) he makes that state of the Iewes, so falsely vnderstood, to be a Type of *Rome*, and so *Rome* at this time to be Iudge of all *difficulties*, because it is the seate of the high Priest. But he must be thought more constant, then to depart from his first groũd and therefore must meane, *When superiour Princes, which haue no other Iudges, are in such doubtes, as none else can determine, Recurrendum est, ad sedem Apostolicam*; that is, *they ought to do it*, rather then to go to the onely ordinary Arbitrator betweene Soueraigne Princes, the sword.

36 And when such Princes doe submit their causes to him, in such cases hee declares himselfe by this *Canon*, to be a *competent* Iudge, though the matter be a ciuill businesse, and he an Ecclesiasticall person: and though he seeme to goe somewhat farther, and stretch that typicall place in *Deuteron.* to agree with *Rome* so farre, that as there, so here, he which disobeyes, must die, yet hee explanes this death thus, *Let him as a dead man, be seperated from the Communion, by Excommunication.* So that this *Canon* purposely enacted to declare *temporall* authority, by a Pope, whom none exceeded in a stiffe and earnest promouing the dignity of that Sea, procedes onely by *probabilities*, and *verisimilitudes*, and *equiualencies*, and endes at last with *Excom-*

Excommunication; and therefore can imprint in you no reason to refuse this Oath. For out of this Canon, doth *Victoria* frame a strong argument, *That this most learned Pope doeth openly confesse, by this Canon, that he hath no power ouer the King of France in Temporall matters.*

137 Another *Canon* of the same Pope is often cited by which, when the King of *England* complain'd, that the King of *France* had broken the Peace, which was confirm'd by Oath, the Pope writes to the Bishops of *France*, That *though he intende not to iudge of that Title, in question, which appertaines not to him, yet the periurie belongs to his cognisance: and so, he may reproue, and in cases of Contumacie, constraine, Per districtionem Ecclesiasticam, without exception of the persons of Kings:* And therefore, sayes he, *If the King refuse to performe the Articles, and to suffer my Delegates to heare the cause, I haue appointed my Legate, to proceede as I haue directed him.* What his *Instructions* were, I know not by this; but beyond *Excommunication*, you see by the Text, he pretends not: Whatsoeuer they were, this is certaine, That the Princes of those times, to aduantage themselues against their enemies, with the Popes helpe, did often admit him, to doe some acts against other Princes, which after, when the Pope became their enemie, themselues felt with much bitternesse. But in this *Canon*, he disclaimes any Iurisdiction to *iudge of Titles*, which

De iudicijs nouit.

those Popes tooke to themselues, who Excommunicated our late *Queene* (if *Parsons* say true, *That they had respect to the iniustice of her Title, by reason of a Statute*) and all those Popes must doe, which shall doe any act, which might make this Oath vnlawfull to you.

Noscrit. Gratian.

38 In the title *De Sent. Excom.* there are two *Canons*, which concernes onely *Excommunication* of *Heretickes*, and infringers of *Ecclesiasticke Immunitie*, and are directed but to one particular place. VVhich, though they can impose nothing vpon your conscience against this Oath, may yet teach you not to grudge, that a State which prouides for her securitie by Lawes and Oathes, expresse it in such words, as may certainely reach to the principall purpose thereof, and admit no euasions. For so these Canons doe, when they Excommunicate, *All, of all Sexe,* , of *any Name, Fauourers, Receiuers, Defenders, Lawmakers, Writers, Gouernours, Consuls, Rulers, Councellours, Iudges, and Registers of any statutes, made in that place against Church liberties.*

De prescriptionibus.

39 That the *Canons* haue power to abrogate *Ciuill* lawes of Princes, they vse to cite the Canon *Quoniam omne*, made by *Innocent* the third, who hath made more *Canons* then halfe of the Popes before him. And if this doe not batter downe, yet it vndermines all secular power. For they may easily pretend, that any Lawe, may in some case occasion

occaſion ſinne. This *Canon* hath alſo more then Ordinary authority, becauſe it is made in a generall *Councell:* thus it ſaies, *Abſque bona fide, nulla valeat præſcriptio, tam Canonica, quam ciuilis:* And *this*, ſaies *Bellarmine*, *doth abrogate an Imperiall lawe*, by which preſcription would ſerue, ſo that it begann *Bona fide*, though at ſome time after, he which was in poſſeſsion, came to know, that his title was ill; but the *Canon* law requires that he eſteeme in his conſcience, his title to be good, all the time, by which he preſcribes. But by this *Canon*, that particular *Imperiall* lawe is no more abrogated, then ſuch other lawes as cannot be obſerued without danger of ſinne, which includes not onely ſome *Ciuill* Conſtitutions, but alſo ſome *other* Canons; For your Gloſſer ſaies, *That the Canon derogates from all Conſtitutions, Ciuill and Eccleſiaſtique, which cannot be obſerued without deadly ſin:* that is, it makes them guilty *in foro interiori.* He addes, *That he doth not beleeue, that the Pope did purpoſe by this Canon, to preiudice the ciuill lawes, nor that the wordes are intended of ciuill and ſecular law, but that by thoſe wordes, Tam ciuilis, quam Canonica, the Pope meanes, that a preſcriber Malæ fidei, is guilty in conſcience, whether it be of a matter Secular or Eccleſiaſtique. For (ſaies hee) though ſome ſay, the Pope meant to correct the law herein, yet this correction is not obſerued in Iudicio Seculari.* And therefore (ſaies hee) *I doe not beleeue, that the Pope himſelfe is bound to iudge according to this Canon,*

De Pont. l. 5. c. 8. § Itaque. Ex Cod. De præſcriptionibus.

Ver. Nota quod

ver. Tam Canonica.

where he hath temporall iurisdiction, becauſe hee hath that Iuriſdiction from the Emperour : therefore the Imperiall law ſtandes ſtill, and is not abrogated by this *Canon*, though of a generall Councell.

Caplicet. 40 This Pope alſo by a *Canon* in the title *de Voto*, hath gone the fartheſt of any, which haue fallen within my obſeruation: for a King of *Hungary*, which had made a vowe to vndertake a warre for *Hieruſalem*, preuented by death, impoſed the execution thereof vpon his yonger ſonne, who binding himſelfe to performe it, with the armie which he leuied for that purpoſe, in pretence, troubled his brother in his Kingdome: To him therefore *Innocentius* writes, *That except he doe forthwith performe the vow, he ſhall be excommunicate and depriued of all right to that Kingdome; and that the kingdome, if his elder brother die without iſſue, ſhall deuolue to his younger brother.* But all theſe threatnings, except that one of Excommunication, were not thundered by the Pope, as though hee could inflict them, out of his authority, but he remembers this ill-aduiſed Prince, that *except he performe the will of his father, he looſes his inheritance by the law*: Which the Gloſſe in this place, endeuours to proue, and to that *purpoſe* cytes, and diſputes ſome of the lawes in that point.

Verb. priuandum.

De Maior. & Obedient. 41 The Canon *Solitæ*, though it be euery where alleadged, and therefore it importunes me to mention it, reaches not to our queſtion, for it is

is onely a *Reprehenſion* made by a Pope, to a *Greeke Emperour, becauſe hee did not affoord his Patriarch of Conſtantinople dignity enough in his place.* And he tels him, that he miſtakes *S. Peters* meaning, in his *Epiſtle*, where he teaches obedience to Emperours; For, ſaies he, *he writ but to thoſe which were vnder him*, and not to al; and *he did prouoke them to a meritorious humility*, not informe them of a neceſſary Duety; For, ſaies he, if that place ſhall be vnderſtood of Prieſts, and literally, then Prieſts muſt bee ſubiect to Slaues, becauſe it is *Omni Creaturæ*, neyther (ſaies he) is it ſaid, *To the King, abſolutely Precellenti*, but *tanquam precellenti, which was not added without cauſe. For* (ſaies the Gloſſe) *this word, Tanquam, is Similitudinarium, non expreſsiuum veritatis*; So that S. *Peter* doth not call the king Superiour in truth, but as it were Superiour; as I noted the Cardinals to ſubſcribe Letters to perſons of lower ranke, *Veſter vti frater*. And that which followes, *of the puniſhment of euill doers, and praiſe of God, is not* (ſaies he) *that the King hath power of the ſword ouer good and euill, but onely ouer them, which becauſe they vſe the ſword, are vnder his iuriſdiction.* Then proceedes he to magnifie Prieſthood, becauſe *Ieremie, to whom Commiſsion was giuen ouer Nations, was deſcended of Prieſts*; and becauſe *the Sunne, which deſignes Prieſthod, is ſo much bigger then the Moone*: with ſo many more impertinencies, and barbariſmes, and inconſequences, that I wonder why he, who ſumm'd it, ſhould ſo

1. *Pet.* 2. 13.

Ver. Tanquam

ſpecially ſay of this Canon, that *it is Multum Allegabile.*

42 In the Canon *Grauem*, *Honorius* the third writes to certaine Prelates, whoſe Church had receiued much detriment by a Noble-man, *That ſince he hath continued contemptuouſly vnder Excommunication two yeares, if vpon this laſt monition he refuſe to conforme himſelfe, they ſhould diſcharge thoſe Churches from their obedience to him, and denounce thoſe which ought him alleageance, to be diſcharged therof, as long as he remained Excommunicate.* But it appeares not here, whether hee were a *Subiect* of the Romane Church or no; And yet appeares plainely that he was no *Soueraigne*, and therefore no precedent in our caſe, in which there could not eaſily be reſtitution giuen to any, after another were in poſſeſsion.

De Supplend. neglig. prælat. Grandi. in ſexto.

43 In the next volume of the law, which they call *Sextus*, I haue noted in their Authours but one *Canon*, which comes within any conuenient diſtance of this point, which is a Letter of *Innocent* the fourth to the Nobility of *Portugall*, by which, vnder paine of *Excommunication* hee commaunds them, to receiue the kings brother, as *coadiutor* to that king, *Notwithſtanding any Oath of Alleageance, or reſiſtance of the King*; *So that they preſerued the right in the King, and in his children, if he ſhall haue any*: Which, being but matter of fact, doth not conſtitute a rule, nor binde conſciences, eſpe-

especially when for the fact it selfe, the note saies in that place, *That the Pope ought not to haue interposed himselfe in that businesse.*

Litera, b. in Margine.

44 In the *Extrauagants* of Pope *Iohn* the two and twenteth, there is one *Canon* which would take great hold of consciences obliged to that Sea, but that it proceedes from a Pope infam'd for heresie, and claimes that *Iurisdiction*, which it there inculcates, in the right of being *Emperour*, at that time, when the throne, by the death of *Henrie* the seuenth, was vacant. Thus it sayes, *Since it is cleare in law, and constantly obserued of olde, that in a Vacancy of the Empire, becauſe then there can be no recourse to any Secular Iudge, the Iurisdiction, Gouernment, and Disposition of the Empire deuolues to the Pope, who is knowne to haue exercised all these therein by himselfe, or others: whereas diuers continue the offices of the Empire, without our Confirmation, we admonish all vnder Excommunication, euen Kings, to leaue off those titles; and if they doe not so, within two moneths* (how could hee propheſie so long a vacancie?) *Wee will Excommunicate the persons, and interdict the Dominions of them all, Etiam superiores et inferiores Reges, and proceede with them, spiritually and temporally, as we shall farther see to be expedient. And wee absolue all men, of all Oathes, by which they were bound to them.* But, as I said before, this right of inflicting temporall punishment hee claimes as *Emperour*; and the spirituall punishments are threat-

Si fratrum.

threatned to no other, nor in any other Capacity, then as they are *officers of the Empire*, of which then hee imagines himselfe *supreme Prince*, and so he is enabled to doe all those acts, vpon any Prince which depends vpon the *Empire*, which he might doe *Ordinarily* in the *Patrimony*; and all, which the Pope and the Emperour together might doe vpon any Prince, which vsurped the titles and dignities of the *Empire*, without the Emperours approbation.

45 In the *Common Extrauagants*, that which they call *vnam Sanctam*, made by *Boniface* the eight, Anno 1302. hath the greatest force of all: both because it intends to *proue* and to *Decree* a certaine proposition, *That it is of the necessitie of Saluation to be subiect to the Pope*, and also because it determines it with Essentiall and formall words, belonging to a *Decree*, *Declaramus*, *Definimus*, *Pronunciamus*. And though in the body and passage of the *Decree*, there are sometimes arrogations of Secular *Iurisdiction*, by way of *argument*, and *conueniencie*, and *Probable consequence*; yet is there nothing drawne into the *definition*, and *Decree*, and thereby obligatorily cast vpon our Consciences, but onely this, *That a Subiection to the Pope is, of the necessitie of Saluation.* For, sayes the glosse, *it was the intention of the Pope in this Decree all, to bring reasons, examples, and authorities, to proue that Conclusion.* So that, as if it pleased him to haue said so *definitiuely*,

Ver. ponatur.

nitiuely, without arguing the caſe, the *Decretall* had beene as perfit and binding, as it is after all his reaſons, and argumentation: ſo doe not his Reaſons bind our reaſon, or our faith, being no part of the *Definition*, but leaue to vs our liberty, for all but the *Definition* it ſelfe.

46 And a *Catholique* which beleeues by force of this Decretall, That he cannot be ſaued except he obay the Pope, is not bound to beleeue therefore, that theſe words of *S. Iohn*, *There ſhall be one ſheepe-folde, and one ſheepheard*, are meant of a Subiection of all *Chriſtian* Princes to the Pope, as this *Decretall*, by way of Argument, ſayes; but he may be bold, for all this, to beleeue an elder Pope, that *this is ſpoken of ioyning Iewes and Gentiles in one faith*; or *Theophilact*, *That this proues one God to be the ſheepheard of the olde and new Teſtament, againſt the Maniches.* Nor is he bound, becauſe this *Decretall* ſaies it by the way, to beleeue that the words in Saint *Luke*, *Behold here are two ſwords, to which Chriſt did not anſwere, It is too much, but it is enough*, doe proue the *ſpirituall* and *temporall* ſwords to bee in the diſpoſition of the Church; but he is at liberty for all this, to beleeue *Chryſoſtome*, *That Chriſt by mentioning two ſwords in that place, did not meane, that they ſhould poſſeſſe ſwords, (for what good (ſayes he) could two ſwords doe?) but he forwarned them of ſuch perſecutions, as in humane iudgement would neede the defence of ſwords.* Or he may beleeue *Ambroſe*, That

10. 16.

Grego. Homil. 14.

Citat. Ema. Sa.

22 38.

Sá.

L. 10. Com. in Lucam.

these two swords, are the sword of the Worde, and the sword of Martyrdome: of which there is mention in *S. Luke, A sword shall passe thorow my soule*. So that these swords arme them to *seeke* the truth, and to *defend* it with their liues: or hee may beleeue S. *Basil*, who saies, *That Christ spoke Prophetically, that they would encline to vse swordes, though indeede they should not doe so.* Both which expositions of *Chrysostome* and *Basil*, a *Iesuite* remembers, and addes for his owne opinion; *That Christ did not confirme two Swords to the Church, by Saying, It is enough, but onely, because they could not vnderstand him, he broke off further talke with them, as we vse when we are troubled with one, who vnderstands vs not, to say, 'Tis well, 'Tis enough.*

Luc. 2. 35.

Ema. Sâ.

47 For *Bellarmine* is our warrant in this case, who saies, *That those wordes intimate no more, but that the Apostles, when persecution came, would be in as much feare, as they who would sell all to buy swords: and that Pope Boniface did but mystically interprete this place.*

De Pont. l. 5. c. 5. Secundo.

48 And as the exposition of other places there cited by *Boniface*, and his diuers reasons scattered in the *Decretall*, fal not within the *Definition* thereof, nor binde our faith; so doth it not, that those wordes spoken by God to *Ieremy*, *I haue set thee ouer the nations, and ouer the Kingdomes, and to plucke vp, and roote out, to destroy and to throw downe, to build and to plant*, are verified of the Ecclesiastique power,

Ier. 1. 10.

er, though he say it. But any *Catholique* may boldly beleeue that they were spoke only to *Ieremy*, who had no further Commission by them, but to *denounce*, and not to *inflict* those punishments. For it were hard, if this Popes Mysticall expositions should binde any man (contrary to his oath appointed by the *Trent Councell*) to leaue the *vnanime consent of the Fathers in expounding these Scriptures*: and so an obedience to one Pope should make him periured to another. The last *Definition* therefore of this *Decretall*, which was first and principally in the purpose and intention of this Pope, which is, *Subiection to him*, is matter of faith to all them, in whom the Popes *Decrees* beget faith, but *temporall Iurisdiction* is not hereby imposed vpon the conscience, as matter of faith.

49. But because this *Canon* was suspiciously penn'd, and perchance misinterpretable, and bent against the kingdome of *France*, betweene which state, and the Pope there was then much contention, so that therefore it kept a iealous watch vpon the proceeding of that Church, *Clement* the fift, who came to be pope within foure yeares after the making of this *Canon*, made another *Decree*, *That by this Definition or Declaration of Boniface, that Kingdome was not preiudiced, nor any more subiect to Rome, then it was before the making of that Decree*. And though it was not *Clements* pleasure to deale cleerely, but to leaue the *Canon* of *Boni-*

Extrau. Com. de priuileg. Merait.

face, as a ſtumbling blocke ſtill to others, yet out of the whole *Hiſtory* this will reſult, to vs, that if this *temporall Iuriſdiction*, which ſome gather out of this *Canon*, were in the Pope, *Iure Diuino*, hee could not exempt the kingdome of *Fraunce*; and if it were not ſo, no Canons can create it. But euen this exemption of *Clement* proues *Bonifaces* acte to be *Introductory*, and new, for what benefite hath any man by being exempted from a *Declaratorie* law, when for all that exemption, hee remaines ſtill vnder the former law, which that declares: So that nothing concerning *temporall Iuriſdiction* is defined in that *Canon*; but it is newly thereby made an *Article of faith, that all men muſt vpon paine of damnation be ſubiect to the Church in ſpirituall cauſes*; from which Article it was neceſſary to exempt France, becauſe that kingdome was neuer brought to be of that opinion.

Licet ſelici. Reſcriptorum.

50 And in the laſt Volume of the *Canon* law, lately ſet out in the Title, *De Reſcrip. & Mand. Apoſt.* there is one *Canon* of *Leo* the tenth, and another of *Clement* the ſeuenth, which *annull all Statutes and ciuill conſtitutions, which ſtoppe Appeales to Rome, or hinder the execution of the Popes bulles; and inflicts Excommunication, and Interdicts the Dominions of any, which ſhall make or fauor ſuch Statutes.* But becauſe theſe *Canons* doe not define this, as *matter of faith*, I doubt not but the Catholiques of England would bee loath to aduenture the daungers which

which our Lawes inflict, vpon ſuch as ſeeke Iuſtice at Rome, which may be had here: And they doe, though contrarie to theſe *Canons*, in continuall practiſe, bring all their cauſes into the Courtes of Iuſtice here, which, if the *Canons* might preuaile, belong'd to Rome.

51 And theſe be all the *Canons*, which I haue mark'd either in mine owne reading of them, or from other *Authors* which write of theſe queſtions; to bee cited to this purpoſe. Thoſe which concerne *Eccleſiaſticke immunitie*, or the Popes *ſpirituall* power, I omitted purpoſely: And of this kind which I haue dealt withall, I doubt not but ſome haue eſcaped me. But I may rather be aſhamed of hauing read ſo much of this learning, then not to haue read all.

52 Heere therefore I will conclude, that though to the whole body of the *Canon Law*, there belong'd as much faith and reuerence, as to the *Canons* of the old Councels, yet out of them, you can finde nothing to aſſure your conſciences, that you may incurre theſe dangers for refuſall of the Oath. Nor may the Pope bee preſum'd to imagine, that he ſhal re-eſtabliſh himſelf in any place, which hath eſcaped, and deliuered it ſelfe from his vſurpations, by any *Canon Law*, except he be able to vſe that *Droict du Canon*, which *Montmorencie* the French Conſtable, perſwaded his King to vſe againſt a Towne which held out againſt him.

CHAP. XI.

That the two Breues of Paulus the fift, cannot giue this assurance to this Conscience; First, for the generall infirmities, to which all Rescripts of Popes are obnoxious: And then for certaine insufficiencies in these.

THough that which hath beene said in the former Chapter of the *Decretall* Letters of Popes, extend also to these *Breues*, since they are all of the same elements and complexion, and subiect to the same diseases and infirmities: Yet because these two *Breues*, may bee said to haue beene addressed directly and purposely to giue satisfaction in this particular businesse, they may challendge more obedience, and lay a more Obligation then those other *Decretals*, which issuing vpon other occasions, doe not otherwise concerne the question in hand, then by a certaine relation, and consequence, and comparison of the circumstances which produced them, with the circumstances which begot these Breues.

2 It seemes that the Pope when hee would restraine the subiects of Princes, and keepe them short, when he would cut off there naturall and profitable libertie of obeying *Ciuill* Lawes, when he would fetter and manacle them in perplexities, and make them doe lesse then they should, to the losse

losse of life, and liberties, he is content to send his *Breues*; But when he will swell and blow vp Subiects with Rebellion, when he will fill them with opinions, that they may resist the entrances, or interrupt the possessions of Princes, when hee will haue them doe more then they should doe, then come forth his *Buls*. For they say their *Buls* are so called out of the tumor, and swelling of the *Seale*; And the other, because they are dispatch'd vnder a lesse Seale, *Sub Annulo piscatoris*, are therefore called *Breues*; For, in temporall businesses of forraigne Princes, his Letters are euer defectiue, or abundant; they command too much, or too little.

Anto. Augusl. de Emend. Grat. l. 2 Dial. 2.

Tholoza. Syntag. l. 15. c. 4. n. 10.

3 And as the Popes haue euer beene abstinent in declaring and expressing in certaine and euident tearmes, *how they haue this temporall Iurisdiction*, least hauing once ioynde issue vpon some one way, all men should bende their proofes against that, and being once defeated, they could be admitted to no other plea, then themselues had chosen to adhere to, and relie vpon: So haue they abstained as much from giuing any binding resolution, in the question, *how farre the ciuill lawes of Princes doe binde the subiects conscience*. For *Nauarrus* testifies of himselfe, and of *Caietane*, and others, that it was much desired of the Councell of *Trent*; *that it would haue defined something certainely in that point*: for the want of this *definition* brought him

Manual. c. 23. Nu. 48.

him to contradict himselfe, and to hang in a perplexed suspence, and various change of opinions, fiftie yeares; and at last to resolue, *That Ciuill lawes doe not binde the consciences, ad Mortale, in some such cases*, as *Carninus*, his *Catholique* Aduersarie, saies, *It is Hæresi proximum, and Temerarium, and sometimes Hæreticum to say so.*

De vi et Pot. leg. human.

4 If therefore we shall follow in this point *Carninus* his opinion, who deliuers as the most common and most probable, yea, necessarie Doctrine, That *because Ciuill lawes are no more to be called Humane lawes, then Ecclesiastique are*, (for so also *Nauarrus* confounds the names) and that *in power of binding, Humane lawes, that is, Ciuill, and Ecclesiastique, are equall to Diuine law, becauſe in euery iust law the power of God is infused*, And therfore, *Diuinitas ista* (as he calls it) *inheres in all lawes*, & to transgresse them is sin, And not only becauſe the Maiestie of God, who quickens and inanimates this law, by a power deriued vpon his Lieutenant, is violated thereby, but euen *in respect of the matter and Subiect, which is in euery law*, that is, *The common good, and tranquility*, and to offend against that, is to offend against rectified Reason, and therefore since, This opinion, I say, being receiued as true, and so this law which commaunds this oath, made by a *lawfull power*, and *for the publique Good*, and *generall tranquility*, being in possession of the Subiects Consciences, and binding them vnder danger

Ca. 8.

Par. 1. C. 1.

C. 3.

danger of Mortall ſinne, whatſoeuer can warrant any man to tranſgreſſe this law, muſt haue both *Authority*, and *Euidence* enough, to aſſure the Conſcience, which till then is bound thereby, that either for ſome *Subſtantiall*, or for ſome *formall* Defect, this was neuer any law, or that it is *Abrogated*, or that the perſons of Catholiques are *exempted* from it.

5 And haue theſe *Breues* of the Popes gone about to giue your Conſciences, as good reaſons againſt the oath, as you were poſſeſſed withall before, for it? Are you as ſure that theſe *Breues*, or that any *Breues* can binde your Conſcience in this Caſe, as you were before, that the law could? And are you as ſure that there are *Breues*, as that there is a law?

6 If the *ſtatute* which enacts a *Subſidie*, which by the Kings acceptation becomes a law, and ſo bindes the Conſcience, ſhould ſo eſteeme the refuſall of the payment of his taxation in any perſon, to bee an argument of diſloyalty, as to make it capitall to refuſe it, would you thinke that if ſuch a *Breue* as theſe are, ſhould tell you, that you might not pay it, without detriment of Chriſtian faith, you might die as *Martyrs* for refuſall thereof?

7 If ſuch a *Breue* ſhould forbid you to ſuffer your children to bee wards, to deliuer land eſcheated, or confiſcate, to diſobey the Kings

empreſt when hee leuies an Armie, or any ſuch act due by conſcience to his lawes, ſhould this worke ſo vpon you, as to make you incurre the penalties of lawes, or ſuſpicion of ill affected ſubiects? Nor can you ſay, that theſe are meere temporall matters, and therefore remoued from his Iuriſdiction; *for all ſinne is ſpirituall, and hee is Iudge what is ſinne.*

8 How weake a ground for *Martyredome*, and how vnſufficient to deueſt a conſcience of an obedience, impoſed in generall by nature, and faſtned with a new knot by an expreſſe law, are ſuch ſickly and fraile *Breues*, as the ſmalleſt and moſt vndiſcernable errour, euen in matter of forme doth annihilate? for firſt, in the Title of *Conſtitutions and Reſcripts* of Popes (which is alwaies the next Title to that of the *Trinity and Catholique Faith*, in all the bookes of the *Canon law*, except thoſe bookes which haue no Title of the *Trinity & Catholique faith*) there appeares very many Reaſons by which a *Breue* may bee of no force.

Extra. de Reſcript. ex parte.

9 *Alexander* the third, writing to an *Archbiſhop of Canturbury*, giues a rule of large extent; That in theſe kinde of letters (that is, ſuch as proceede vpon information, as our caſe is) *this condition; If the requeſt be vpon true grounds, is euer vnderſtood, though it be not expreſſed.* And writing to the *Archbiſhoppe of Rauenna*, he ſaies, *If at any time we*

Ibid. Si quando.

write

write such things to you, as exasperate your minde, you must not bee troubled; but diligently considering the quality of the businesse, whereof we write, either reuerently fulfill our commana, or pretend by your Letters a reasonable cause why you cannot: for we will endure patiently, if you forbear to performe that, which was suggested to vs, by euill information. And so doth that title abound with *Interpretations, Limitations*, and *Reuocations* of such *Breues*.

10 And not onely *Delegate Iudges*, and such persons as haue an inward knowledge, of errour in the cause which mooued the Pope to write, haue power to iudge these *Breues*, to bee inualid, and of no force, but euery *Schoole-master*. For *Lucius* the third, by a *Rescript* of his *forbids any credit to be giuen to any Rescript, in which there is false Latin*: to which also the *Glosser* adds, *That it vitiates a Breue, if the Pope speake to any one man in the plurall number; or call a Patriarch or a Bishop sonne*. *Ibid. ad Audientiam.* *Ver. Manifestū.*

11 And, as many *Omissions*, and many *Adiections* in the body of the *Breue*, eyther in matter, or in forme, doth annull it, So would it make any considerate conscience to doubt, whether such a *Breue* can warrant the expence of blood, or incurring other Capitall dangers, that obserues, how often the *Breues* which haue issued vpon best consideration, and assistance of Counsell, haue beene reuoked; not vpon new emergent matter, but vpon better knowledge of the former. Of which

it seemes to me to be of good vse, to present one illustrous and remarqueable example.

12 *Eugenius* the fourth, hauing first by one *Bull* dissolued the Councell held at *Basil*, and transfered it to another place; the Councell for all that proceeding, the Pope by a second *Bull*, annuls all which that Councell had yet, or should after Decree; and this, *by the Councell, and Assent of the Cardinals*. After this, the Councell cytes him, and all his *Cardinals*, vpon whom it inflicts *confiscation*, and other penalties, if they forbeare to come. And then the Pope by a third *Bull* annuls that *decree* of Citation, and excommunicates al persons, euen *Kings* and the *Emperour*, if they execute vpon any, that Decree of the Councell. And then he publishes a fourth *Bull*, by which he answeres all obiections made against him by the Councel, and hauing so established his owne innocence, he annuls all acts made in preiudice thereof, and this also *with assent and subscription of the Cardinals*. And at last he sends out a fift *Bull*, in which hee takes knowledge, that his first *Bull* of dissoluing the Councell, had occasioned many grieuos dissentions, and was like to occasion more, and therefore now, he *Decrees* and *Declares* (*by the Councell and Assent of his Cardinals still*) not only that the Councell of *Basil* should *from thenceforth be good and lawfull*, but that it *was so, when that Bull came, and that it had beene so from the time of the beginning thereof.*

And

And so in expresse wordes, hee annuls his annulling of it: and he reuokes two former *Buls*, and pronounces them *Irritas, Annullatas, Cassatas*; by the first whereof he had disabled the Councell, and by the second had excommunicated *Princes*, which should execute that, which he pronounces now to be iust: and of the other *Bull* he saies, *It proceeded not from him, nor by his knowledge*, though it were testified by the *Cardinals*, and endorsed formally by his *Secretary*. And euen this last *Bull* of so many *Reuocations, Annihilations, and Tergiuersations* was not thought strong, nor out of the danger of being reuoked againe, till the Councell accepted it, and ratified it by applying the BVLL and Seale of the Councell to it.

13 So is it familiar in the Popes, not for the variety of iust occasion, but for personall hate to their predecessors, to annull the acts of one another. So *Stephen the sixth or seuenth, abrogated Omnes ordinationes, of Pope Formosus, and digged him vp, and cut of some of his fingers, and cast him into Tyber, and made all to whom he had giuen Orders, take new Orders againe.* And next yeare Pope *Romanus abrogated all Stephens Acts*; and within seuen yeare after, came *Sergius*, who refreshed the hate against *Formosus*, and *beheaded his body*; which I wonder how he found, since Pope *Stephen* had so long before cast it into *Tyber*. *Caranza. fo. 414.* *Binius. To. 3. par. 2. fo. 1047.* *Carran. Ibid.* *Id. fo. 415.*

14 And in a matter so mainly concerning

faith, as amongst them, an Autentique translation of the Bible, is, betweene the Edition of *Sixtus* the fift, and the Edition of *Clement* the eight, there is so much difference, euen in absolute and direct *Contradictions*, as he which reades the seuerall *Breues*, by which those two Editions are authorised; both hauing equall iustifications of the present Editions, equal absolutions from oathes for admitting any other, equall imprecations and curses, for omitting these, may well thinke that that is a weake and litigious title to *Martyrdome*, which is grounded vpon the Popes *Breues*, which he himselfe, when he sends them, knowes not whether they be iust or no.

15 For, as they haue forbidden many lawfull things, and offered to destroy the lawes themselues, so haue they allowed and authorized manie things, which our owne Reason, and discourse, and Experience, can conuince of falshood.

16 It is the common opinion that *Eugenius* the third, confirmed *Gratian*. Of whom, we may be bolde, out of that learned *Bishop* which hath made animaduersions vpon him, to say, That he knew neither *things* nor *words*, mistooke *matters* and *names*, erred in *places*, and *times*, and had neither seene Fathers, Councels, nor Rolls. And
Dialo. 3. though this *Bishop* seeme not to beleeue that *Eugenius* did confirme him, yet hee confesses, *That hee*

hee which doth beleeue such a confirmation, is bound thereby to beleeue as many errours, as are in Gratian. For, it seemes we haue no longer liberty to doubt, after such a confirmation: as it will follow euidently out of *Bellarmines* fashion of arguing, when he sayes, *We are bound to obay the Pope, when hee institutes a festiuall of a Saint; yet wee are neuer bound to doe against our conscience*; and therefore we may no longer doubt it; but wee must make his Decree our conscience. So that if either *Eugenius* confirmed it before, or *Gregory* the thirteenth since, our liberty is precluded, and we must credulously, and faithfully swallow, not onely all the vnwholsome, and insipid negligences, ignorances, and barbarismes of *Gratian*, but all the bitter and venomous mixtures to *Christs* merit, and all the blasphemies and diminutions of his Maiestie, which *Boniface* the ninth, and *Martin* the fift, haue obtruded to vs, by approuing and confirming by their *Bulls*, the *Reuelations of Saint Brigid*; for so sayes *Paleotus* they haue done.

De purg. l. 1. c. 9. Altera.

Histor. de Sacr. Sindone. Par. 1. Epist. lector.

17 These heauie inconueniencies, and dangerous precipitations into errours, being foreseene by some of the ancient Schoolemen, out of their Christian libertie, and prudent estimation of the Popes Authoritie, they haue pronounced this infallibilitie of iudgement, to bee onely then in the Pope, *When he doeth applie all Morall meanes to come to the knowledge of the trueth*; As, hearing both parties,

parties, and waighing the preſſures and afflictions, which he ſhal induce vpon them whom he inflames againſt their Prince, and proceeding mildly and diſpaſsionately, and not like an intereſſed perſon, and to the edification, not deſtruction of them, whom onely he eſteemes to be his Catholicke Church.

18 And this ſeemes ſo reaſonable, that though the *Ieſuite Tannerus* at firſt caſt it away, as the opinion onely, *Quorundam ex Antiquioribus Scholaſticis*, yet afterwards hee affoords an interpretation to it; but ſuch a one, as I think any *Catholique* would be loth to venter his *Martyrdome* thereupon, if he were to die for obedience to a *Breue*. For thus he ſaies, *In euery matter, when a Hypotheticall propoſition is made, of the condition whereof we are certaine, then the whole propoſition muſt not be ſaid to be Hypothetically and Conditionally true, but abſolutely.* And this he exemplifies by this Propoſition: *If Chriſt doe come to iudgement, there ſhall be a reſurrection; which propoſition is abſolutely and not conditionally true, becauſe we are certaine that Chriſt will come to Iudgement:* And ſo he ſaies, *That it is the meaning of all them who affirme that the Pope may erre, except he vſe ordinarie meanes, onely to inferre, that hee dooth euer vſe thoſe meanes, without all doubt and queſtion.* But with what conſcience can this *Ieſuite* ſay, *That this was the meaning of theſe Schoolemen*, when in the ſame place it appeares, that the purpoſe of thoſe Schoolemen, was

Delibert. Eccleſ. l. 2. c. 9.

was to bring the Pope to a custome of calling Councels, in determining waighty causes; for when they say, *He may erre except hee vse Ordinarie meanes*, and they intended generall Councels for this ordinary meanes, can they bee intended in saying so, to meane that the Pope did euer in such cases vse *Generall Councels*, when they reprehended his neglecting that ordinary meanes, and laboured to reduce him to the practise thereof?

19 And though most of these infirmities incident to *Breues* in generall, doe so reflect vppon these two *Breues* in question, that any man may apply them, yet it may doe some good to come to a neerer exagitation and trial, of the necessary obligation which they are imagined to impose. It is good *Doctrine* which one of your men teaches; *That euen in lawes, euery particular man hath power to interprete the same to his aduantage, and to dispence with himselfe therein, if there occurre a sudden case of necessity, and there be no open way and recourse to the Superiour.* The first part of which *Rule* would haue iustified them, who tooke the oath before the *Breues* (though they had had some scruples in their conscience) by reason of the great scandall to the cause, and personall detriment, which the refusall was likely to draw on.

Carnin⁹ de vi et pot. leg. Huma. c. 10.

20 Nor can the *Catholiques* be said, to haue had as yet *recourse to their Superiour*, when neither their reasons haue beene answered or heard, which

thinke the oath *naturally* and *morally* lawfull, nor theirs who thinke, that in these times of imminent pressures and afflictions, all inhibitions ought to haue beene forborne, and that any thing which is not ill in itselfe, ought to haue been permitted for the sweetning and mollifying of the state towards them.

21 Their immediate *Superiours* here in *England* haue beene in different opinions, and therefore a recourse to them cannot determine of the matter. And for recourse to the *Pope*, the partie of Secular Priests haue long since complained, that all waies haue beene precluded against them. And if they had iust, or excusable reasons to doubt, that the first *Breue* issued by *Subreption*, they had more reasons to suspect as many infirmities in the second, because one of the reasons of suspecting the first, being, *That their Reasons were not heard*, but that the Pope was mis-informed, and so misledde by hearking to one partie onely, the second *Breue* came, before any remedy or redresse was giuen, or any knowledge taken of the complaint against the first.

22 Certainely I thinke that if he had had true information, and a sensible apprehension, that the suffering of his party in this Kingdome, was like to be so heauie, as the lawes threatned, and a pertinacy in this refusall, was likely to extort, hee had beene a lauish and prodigall steward of their liues.

liues, and husbanded their bloods vnthriftily, if he had not reserued them to better seruices hereafter, by forbearing all *inhibitions* for the present, and confiding and relying vpon his power of absoluing them againe; when any occasion should present it selfe to his aduantage, rather then thus to declare his ambitions, and expose his seruants and instruments to such dangers, when by this violence of his, the state shall be awakened to a iealous watchfulnes ouer them.

23 It is not therefore such a disobedience as contracts, or induces sinne (which it must be, if it be matter enough for *Martyrdome*) not to obey these *Breues*, though thus iterated; for it is not the adding of more *Cyphars* after, when there is no *figure* before, that giues any valew, or encrease to a number. *Nauarrus* vpon good grounds, giues this as the Resultance of many *Canons* there by him alleadged, *That it is not sinne in a man not to obey his Superiour, when hee hath probable reasons to thinke, that his Superiour was deceiued in so commaunding, or that he would not haue giuen such a command, if he had knowne the truth.* And can any *Catholique* beleeue so profanely of the Pope, as to thinke, that if hee had seene the effects of the *powder treason*, euery Church filled with deuout and thankfull commemorations of the escape, euery Pulpit iustly drawing into suspition, the *Maisters* which procured it, and the Doctrine wherewith they

Nau. c. 23. N. 38.

were imbued, euery vulgar mouth extended with execrations of the fact, and imprecations vppon such as had like intentions, euery member of the *Parliament* studying, what clauses might be inserted for the Kings security, into new lawes, and the King himselfe to haue so much moderated this common iust distemper, by taking out all the bitternesse and sting of the law, and contenting himselfe, with an oath of such obedience as they were borne vnder, which if they should refuse, there could be no hope of farther easinesse, or of such as his Maiestie had euer shewed to them before, Might any *Catholique*, I say, beleeue, that the Pope if he had seene this, would haue accelerated these afflictions vpon them, by forbidding an Act, which was no more but an attestation of a morall truth, that is, ciuill obedience, and a profession, that no man had power, to absolue them, against that which they iustly auerred to be such a Morall & indelible truth? Might he not reasonably and iustly haue applied to the Pope, that which *Anselmus* is said to haue pronoūced of God himselfe, *Minimum inconueniens est Deo impossible*, and concluded thereupon, that it was impossible for the Pope to be Author of so great inconueniences?

Citat. Theod. Niem. Nem. vnio. Tract. 4. Ca. 9.

24 And if the Popes *Breues* were not naturally conditioned so, that in cases of *enormous detriment* and inconuenience, to the cause and persons, the

the rigour thereof might be remitted, since in such occurrences, the reason of those *Breues* doth euidently cease, which is euer, vnderstood to be the aduancement of the Romane Church; And if in all cases, all *Breues* must haue their full execution vnder the paines and penalties inflicted therein, the *Catholiques* of *England* are in worse condition by some former *Breues* of the Popes, then the offending and violating these two later, can draw them into. For (to omit many of like, and worse danger) That generall *Rescript* of *Clement* the seuenth, which I mentioned before, pronounces, *That not onely by the Bulla Cænæ, all such are excommunicated though they be Princes, as hinder the execution of the Apostolique letters, or such as giue such hinderers any Counsaile, helpe, or fauours directly, or indirectly, publiquely, or secretly, or by any colour or pretence*, (which words will reach to all those, who haue refused, or doubted and disputed these *Breues*) *but also that the Kingdomes and places, where those offenders are remaining, are interdicted*; And then in the rigour of this *Breue*, how can the *Priests* exercise their functions heere in *England*, if the *Bulla Cænæ*, and a *locall interdict* oppresse it.

25 And by such seruile obedience to *Breues*, as this is all such Catholickes as haue relieu'd & succor'd themselues, with that weake distinction of the *Court of Rome*, and the *Church of Rome*, shall

looſe and forfeit all the aduantage which that affoorded them; For, when they ſhall bee preſſed with numbers of *Veniall Indulgences*, and of ambitious *Buls*, and vſurpations vpon the right of other Princes, they ſhall not bee able to finde this eaſe, to diſchardge all vpon the *Court of Rome*, if the *Church of Rome* make it matter of Faith to obey the *Reſcripts* of the *Court of Rome*, which produce theſe enormities. For ſince the *Pope* is the *Church*, how can you diuide the *Church* from the *Court*? Since, either as the *Court* is *Aula* or *Curia*, the Pope is the Prince, and as it is *Forum*, he is the Iudge, and the Ordinarie. And ſince all thoſe *Buls*, which are loaded with cenſures, or with Indulgences proceede from him as he is the *Church*, (for thoſe powers are onely in the Church) how can you impute to his act any errour of the *Court*?

Annal.13.

26 It was whilſt *Nero* continued within the limits of a good and a iuſt Prince, that *Tacitus* ſaid of him, *Diſcreta fuit domus a Repub.* but when hee ſtray'd into *Tyrannie*, it was not ſo. Nor is the *Court of Rome*, any longer diſtinguiſhed from the *Church of Rome*, if the *Church* iuſtifie the errours of the *Court*, and pronounce, that hee which obeyes not that *Court*, is not in that *Church*, as it doeth in Excommunicating all them, which obey not the *Reſcripts* and *Breues* of Popes.

Append. ad lib. de Pont.

27 So that when *Bellarmine* vndertooke to aunſwere all, which had beene obiected out of

of *Dante*, and *Bocace*, and *Petrarche*, against *Rome*, it was but a lasie escape, and a round and Summarie dispatch vpon wearinesse, to say, that all that was meant of the *Court of Rome*, not of the *Church*; and therefore it was a wise abstinence in him, not to repeate *Petrarchs* words, but to recompense them by citing other places of *Petrarch* in fauour of the *Romane Church*. For though *Petrarch* might meane the *Court*, by the name of *Babilon*, and by imputing to it *Couetousnesse* and *Licentiousnesse*, yet when he charges *Rome* with *Idolatrie*, and cals it the *Temple of Heresie*, can this be intended of the *Court of Rome*?

28 The disobedience to Popes (in whome no moderate men euer denied some degrees of the leauen and corruption, of such passions and respects as vitiate all mens actions) was not alwayes esteem'd thus hainous, though in matters neerer to the foundations of Faith, then these which are now in question. The famous dissention betweene Pope *Stephen* and *Cyprian*, is good euidence thereof. For though now they say, *That the Pope did not pronounce, De fide, against rebaptization, but onely say, that it might not bee vsed: And that he did not Excommunicate Cyprian, but onely say, that he ought to be excommunicate*; yet this is as farre as the Pope hath proceeded with you: and after he had done thus much, *Bellarmine* saies, *it was lawfull for Cyprian to differ from him: because hee thought*

Bell. de Pont. l. 4. c. 7. § tertia ratio

Ibid. § & per hoc.

thought that the Pope was in a pernitious errour. And though *Cyprian* is neuer found to haue retracted either his *Doctrine* of rebaptization, or his *behauiour* to the Pope, yet the seuereſt Idolaters of that Sea, haue neuer denied him a roome amongſt the bleſſed *Saints* of the pureſt times.

29 And though they are for their aduantage content to ſay now, that *Cyprian was neuer excommunicated*, yet it is not denied by *Baronius*, but that *Ignatius* the *Patriarch* of *Conſtantinople* was, and that he died excommunicate; and reſiſted to the end of his life, the Popes *Reſcripts*, by which hee was commaunded to leaue all the Countrie of *Bulgaria* to the iuriſdiction of the Church of Rome. But this (ſaies *Baronius*) *he did not out of any diſpleaſure to the Pope, but to defend the iuriſdiction of his Church, as he was bound by oath, vnder the danger of damnation: for his purpoſe was not to take away anothers right but to keepe his owne.*

To. 10. *Anno* 878. N. 41.

30 And was not this your caſe, before the *Breues* came? Is not ciuill obedience either really or by intention and implication ſworne by euery ſubiect to the King in his birth, and after? and do you not by this laſt oath defend, not onely the Kings right, as you are bound, vnder danger of damnation, but your owne libertie, who otherwiſe muſt bee vnder the obedience of two Maſters? and haue theſe two *Breues* made your caſe to differ ſo much from his, that that which was law-

lawfull to him, may not be so to you? when as to you the *Breues* haue onely brought a naked and bare commandement, without taking knowledg of your allegations: but the Pope gaue *Ignatius* three seuerall *warnings*; and disputed the case with him: and tolde him *that by the records at Rome, it was euident, and that no man was ignorant, that that region belong'd to the Romane Church, and that Ignatius his pretences to it, because the enemy had interrupted the Romane poßeßion were of no force; which he proues by a Decree of Pope Leo, and diuers other waies:* Yet for all this, *Ignatius* held out, endured the excommunication, and died vnder that burden, and yet God hath testified by many miracles, the holinesse and sanctitie of this reuerent man.

31 *Dioscorus* the Bishop of *Alexandria*, exceeded al these passiue disobediences and contempts of the Popes, and proceeded to an *Actiue* excommunication of the Pope himselfe: and yet for all this, it is said of him, *Non errauit in fide.* And what opinion was held of our Bishoppe *Grosthead*, that his disobedience to the Pope despoiled him not of the name of *Catholique*, a late *Neophite* of your Church hath obserued.

Dist.22. Iu tantum. & 24. q.2. Sane profertur.

Higgons.fo.32.

32 For the Pope is subiect to humane errors, and impotencies; and when a great sword is put into a weake hand, it cannot alwaies be well gouerned; And therefore when *Bartholinus* an aduocate in the Court of *Rome*, a bolde and wittie

Theodor.a Niem de Scrip.l.1.c.42

man, had aduentured to conuay secretly certaine questions, in which he declared his owne opinion affirmatiuely; amongst which, one was, *That if the Pope were negligent, or insufficient, or head-strong to the danger of the Church, the Cardinals might appoint him a Curator and Guardian, by whom hee should dispatch the affaires of the Church,* his reasons are said to haue *preuailed with excellent Masters in Theology, and Doctors in both lawes, and that many Cardinals adhered thereunto, till the Pope comming to the knowledge thereof, imprisoned six of the Cardinals, and confiscated their estates.*

33 But if, as it is forbidden vnder Excommunication, *to make any Comment vpon one Canon which concernes the priuileges of the Franciscans,* (which were the best labourers in the Popes Vineyard, til the *Iesuits* came) so it were forbidden vpõ like penaltie, to interpret the Popes *Breues,* yet no such law can take away our natural libertie, nor silence in vs these dictats which nature inculcates, *That against the end for which it was instituted, no power can be admitted to worke.* For from your *Syluester* wee learne, *That the Popes precepts binde not, where there is vehement likelyhood of trouble or scandall.* And so he puts the iustifying and making valid the Popes Breues, to the iudgement of considerate men, though parties.

Nauar. Manual. c. 27. n. 147. Clem. Exiui. Tit. de verb. sign.

Ver. Obedientia.

34 So also is it said there, *That it is not the purpose nor intention of the Church to bee obeyed in such dangers.*

dangers; For auoydance of ſcandall, is *Diuine law*, and to be preferred before any commaund of a Pope, which is but *Humane* law: for *Diuine poſitiue* law yeeldes to this precept of auoyding *ſcandall*, as I noted before, in the integrity of confeſsion, where ſome ſinnes may be omitted, rather then any ſcandall admitted. And therfore their great *Victoria* complaines iuſtly of great inconueniences, [a] *If all matters ſhould be left to the will of one man, who is not confirmed in grace, but ſubiect to error: of which*, ſaies he, *I would it were lawfull for vs to doubt*, meaning that daily experience made it euident; for ſo hee addes in the point of Diſpenſations, *We ſee daily ſo large and diſſolute diſpenſations, as the world cannot beare it*. And not long after, in the ſame *Lecture* he ſaies, [b] *We may philoſophy, and we may imagine, that the Popes might be moſt wiſe men, and moſt holy men, and that they would neuer diſpenſe without lawfull cauſe, but experience cries out to the contrary, and we ſee that no man which ſeekes a Diſpenſation miſſes it. And therefore we muſt diſpaire if it be left, Arbitrio humano: For (ſaies he) the Pope muſt truſt others, and they may deceiue him, if hee were Saint Gregory himſelfe.* And he addes further, [c] *We talke as though wee needed great Engines to extort a Diſpenſation, as though there were not mē expecting at Rome, when any man wil come and aske a diſpenſation of all thoſe things, which are prouided againſt by the lawes*: and though hee confeſſe, that former Popes were not ſo limited, as he de-

[a] *De pot. pap. & Conc. § Sed quia*

[b] *Ibid. § preterea.*

[c] *Ibid. § & preterea.*

siers the Popes in these times, might be, *it was*, saies hee, *because they did not presume, so easily to dispence against Councels. Da mihi Clementes, prouide me, sayes he, such Popes as Clement, Linus and Syluester were, and I will allow all things to be done, as they list.*

Ibid. 87. si quis

35 And then since *de facto*, it may bee, and often is so, whether a Precept of the Popes, doe worke to that end for which the Church gouernment was committed to him, or no, *Naturall Reason*, sayes a[c] learned *Iesuite*, *will instruct vs*. Who thereupon makes a free and ingenuous conclusion, in a question of the Popes power in making a Law, of *Electing a Successour*, *That the Pope might make such a Law, if hee would, but the Church would neuer receiue it.* Which how could *Azorius* pronounce, or know, but by the insinuation of naturall reason, and conueniencie; which Counsailer and Instructer, euery other temperate and intelligent, and dispassioned man, hath as well as he?

[c] *Azor. To. 2. l. 4. c. 5. §. Tertio.*

36 And so also saies *Fran. a Victor.* and as manie as speake ingenuously, *That where the Mandates of the Pope, are in Destructionē Ecclesiæ, they may be hindred and resisted*. For in the greatest effect which can be attributed to the Popes *Bulls*, in these temporall affaires, which is, discharging of Subiects from their obedience, that peremptorie Canon, *Nos Sanctorum, bindes not, except it*

Ibid. §. Decimaseptima.

may

may bee done without grieuous damage to the Subiect, and though by the vertue of that Canon, they may forbeare their obedience if they will, yet *they are not bound thereby to doe it.* Yea, it were vnlawfull, to denie that obedience, *in cases of scandall or tumult.* For so also, sayes another of your great men, *It is often expedient to obey euen an vniust law, to auoid scandall.* [a] And the late vn-entangler of perplexities, *Comitolus* the Iesuite, who vndertakes to cleare so many cases, which *Nauarrus* and many others left in suspence, when he comes to handle the question, *whether a Professor of the Romane faith, being sent into those parts where the Greeke Church obserues other rites, may goe to their seruice*; in such cases as he allowes it, he builds vpon this Reason, *That by the law of God, and of Nature, it is lawfull, and the Precepts of the Church,* (which forbid this) doe not binde *Christians, in cases of great detriment to the life, or soule, or honor, or fame, or outward things.*

D'Auila de censuris. par. 2. C. 6. disp. 11. Dub. 9.

Alf. Castr. de potest. leg. l. 1. C. 5. Docum.

[a] *Comitolus. Resp. Moral. li. 1. Q. 47.*

37 Since therefore a *ciuili constitution*, which in power of binding, and all validities, except immutableness, is by your owne Authors equall to *Diuine*, had possessed your conscience, and so refreshed by a new solicitation your naturall & natiue *Alleageances*, so that no *Breue* could create in you a new conscience, in this case, no more then if it had forbidden Obedience to the common law, or any other statute, because it belongs not

to you to iudge what is ſinne, and what conduces to ſpirituall ends, ſince by the teſtimonie of the Popes owne *Breues*, his *Breues* are ſubiect to many infirmities, and open to the interpretation of meane men, ſince they are often reuoked, and pronounced to haue beene voide from the beginning, vppon ſuch reaſons as it is impoſsible for you to ſuſpect or ſpie in them, when you admit them, ſince theſe *Breues* haue contributed their ſtrength, and giuen authority, to *vaine*, and to *ſuſpitious*, and to *falſe*, and to *blaſphemous* legends, ſince the Pope is allowed, to neglect all waies of informing himſelfe of the truth, in the moſt generall & moſt important matters, ſince recourſe to your *Superiours* is not affoorded, which you know both by the practiſes of one partie and faction at Rome, and alſo by effects thereof, becauſe by the ſecond *Breue*, the complaints againſt the firſt were not remedied, And ſince in ſuch caſes, the interpretation and diſpenſation of *Breues*, when neceſsitie oppreſſes you, belongs to your ſelfe, who cannot bee eſteemed diſobedient, for abſtaining from doing ſuch a commaund, as you doe iuſtly thinke to be erroneous, and that your *Superiour* would not importune it, if hee knew perfitly your condition, and eſtate: ſince their rigorous obſeruation of *Breues*, might caſt you vnder a *locall interdict*, and ſterue you for *ſpirituall* food, And makes you iuſtifie all the errours of the

Court

Court of Rome, by making the *Court*, & the *Church*, all one: since *Cyprian*, *Ignatius* and others, haue beene iustly reputed holy men, & Saints, though they disobeyed the precepts of Popes, made vpon more reasons, and stronger comminations, and broken with lesse excuse, then these *Breues* may be by you: since lastly the Pope cannot by pretence of aduauncing the *Church* serue his owne ambitions to your destruction, you may as well flatter your selfe, with specious Titles, for not swimming if you were cast into a Riuer, or for not running out of a house, if it were ready to fall vppon you, as you may thinke your selues Confessors (in your sense) for suffering the penalties of this law, or they may thinke themselues *Martyrs*, whose execution for other treasons, this Refusall may hasten.

CHAP. XII.

That nothing requir'd in this Oath, violates the Popes spirituall Iurisdiction; And that the clauses of swearing that Doctrine to bee Hereticall, is no vsurping vpon his spirituall right, either by preiudicating his future definition, or offending any former Decree.

THE same office which our suerties performe for vs, at our *Baptisme* and Regeneration, the Lawe vndertakes at our *Ciuill* birth; For the Law is *Communis*

Dig. Tit. 5. Lc. 1.

nis ſponſio Reip. And as they which were our ſtipulators at the Font, take care when we come to abilitie of Diſcretion, that we doe by ſome open declaration, as frequenting Diuine Seruice, and ſo communicating with the Church in the worde and Sacraments, teſtifye that wee acknowledge our ſelues incorporated and matriculated into that Chriſtian warfare, wherin they entred our Names, So hath Law prouided, that when we grow to be capable of *Good* and *Euill*, wee ſhould make ſome publicke proteſtations of that Obedience to the Prince, which by our birth in his *Dominions*, and of his *Subiects*, wee had at firſt contracted. Thereupon hath it proceeded that by our Lawes at ſixteene yeares of age, an Oath hath beene requir'd of euery Subiect. And beſides this generall Oath, it hath in all well gouern'd Eſtates, beene thought neceſſary, that they which were aſſum'd to any publicke function in the State, ſhould alſo by another Oath, appropriated to that calling, be bound to a iuſt execution of that place; And therfore it ſeemes reaſonable which a *Lawyer* ſayes,

Par. de Pnt. de Syndic. fo. 481.

That he which vndertakes to exerciſe any Office, before he haue taken the Oath, belonging thereunto, Tenetur Maieſtatis, becauſe he ſeemes to doe it by his owne Authoritie. Nor might a *Souldier*, though hee

Mar. Donatus in Sueto. c. 16.

were in the Tents at the time of Battell, be admitted to fight againſt the enemie, if he had not taken the Oath. And the *Notaries* in the *Courts* of *Rome*, if

if they delay to dispatch them, who would by *Appeale*, or otherwise bring causes into those *Courts*, are by a late *Decretall* guilty of *periury*, because being sworne *to aduance the profit of that place, and the Apostolique Authority*, this is accounted an interpretatiue periury. *In septimo Tit. 2. c. 1.*

2 So also hath it beene a wise and religious custome, in matters newly emergent, and fresh occurrences, if either forraigne pretences, or inward discontentments, threatned any commotions in the State, to minister new Oathes, to all whom it might concerne; not as newe obligations, but as voluntary and publique confessions, that all the former oathes sworne in *Nature* and in *Law*, doe reach and extend to that case then in question, and that they were bound by them, to the maintenance of the peace and tranquility of the present State.

3 And at no time, and to no persons, can such *Oathes* be more necessary, then to vs now, who haue beene awakened with such drummes as these, *There is no warre in the world so iust and honourable, be it ciuill or forraigne, as that which is waged for the Romane Religion.* And especially in this consideration are *Oathes* a fit and proper wall and Rampart, to oppose against these men, because they say, *That to the obedience of this Romane Religion, all Princes and people haue yeelded themselues, eyther by Oath, Vow, or Sacraments, or euery one of them.* *Apolog. of Iesuit, c. 5.* *Ibid.*

For against this their imaginary oath, it is best, that a true, reall, and lawfull oath be administred by vs.

4 The *Iesuites* which in their Vowe to the Popes will, haue sworne out all their obedience at once, in a *Hyperbolicall* detestation of oathes, doe almost say true, when they professe, *That they auoide an Oath worse then periury*: But though they haue borrowed this protestation of the *Essени*, who were in so much estimation amongst the Iewes, yet this declining of *Oathes* wrought not vpon them, as it doth vpon the *Iesuites*; for the *Essени* did willingly take *Oathes, that they would attempt nothing against the Magistrate*; out of this reason, that *they beleeued it hapned to no man, to be a gouernour without the pleasure of God*: Since therefore the Iesuites abhorre such oaths, & it is a good presumption, *that Schollers are guilty if their Masters were*, and *sonnes are punished, because they are iustly suspected to inherit their fathers malignity, and ill disposition*; It was necessary to present such an oath, as might discouer how much of their *Masters* poison, and of their *Fathers* ill affections to this State, the *Iesuites* disciples, and spirituall sonnes had swallowed and digested.

Spongia pro Iesuit. fo. 79.

Serarius Tribæres. l. 3. c. 4. Ar. 34

Ar. 37.

Par. de Put. de syndic. fo. 990. Hier. Gigas de læs. Ma. l. 3. rubr. 1. q. 5. Nu. 2.

5 And when an *Oath* is to bee conceiued and framed, which hath some certaine scope and purpose; it were a great impotencie or slackenes in the State, if it should not be able, or not dare to ex-

expresse it in such tearmes, as might reach home to that purpose, and accomplish fully all that which was intended therein, especially in these times of subtile euasions and licentious equiuocations.

6 When *Paulus* 4. had a purpose to take in, and binde more sorts of men, by that oath which was framed according to the *Trent Councell*, for them onely who were admitted to spirituall dignities, and some few others, and so to swear all those men fast to the Doctrine of that Councel, and to the obedience of the Church of Rome, it is expressed in so exquisite and so safe wordes, as can admit no escape. For, how ignorant soeuer he be in controuerted *Diuinity*, euery one which takes that oath, must sweare, *That there are seuen Sacraments instituted by Christ*; which any of their Doctors might haue doubted and impugn'd an houre before; as it appeares by *Azorius*, that *Alensis* and *Bonauenture* did *of Confirmation*, *Hugo Victor* and *Lombard* of *extreame vnction*, *Hostiensis* and *Durandus* of *Matrimony*, and others of others. and he must sweare, *That he beleeues Purgatory, Indulgences, and veneration of Reliques*: and hee must sweare, *That all things contrary to that Councell are hereticall.* And this oath is not onely *Canonized* (as their phrase is) by being inserted into the body of the *Canon* law; but it is allowed a roome in the Title, *De Summa Trinitate, & fide Catholica*, and so

Azorij Instit. Mor. To. 1. l. 2. ca 9. præcep. prima § quotiescunque.

In septimo Tit. 1. ca 4.

made of equall credite with that. And that [a] oath by which the *Cardinals* are bound to the maintenance of the Church priuileges is conceiued in so strong and forcible wordes, that *Baronius* calls it *Terribile Iuramentum*, & saies, *that the only remembring of it inflicts a horror vpon his minde, and a trembling vpon his body.*

[a] *Baron. resp. ad Card. Colum. Nu. 31.*

7 And with equall diligence are those oathes framed which are giuen to the *Emperours*, when they come to be Crowned by the Pope. For before he enters the land of the *Church*, he takes one oath, *Domino Papæ iuro, that I will exalt him with all my power.* And before he enters Rome, he sweares, *that he will alter nothing in that Gouernement*, And before he receiues the Crowne, he sweares, *that he will protect the Popes person and the Church.* And in the creation of a *Duke*, because hee might haue some dependance vpon another Prince, the Pope exhibites to him this oath; *I vow my reuerence and obedience to you, though I be bound to any other.*

Cerem sacr. Ca. de Coron. Imp.

Ibid. ca. de creat. Duc.

8 So did *Gregory* the seuenth exact a curious oath of the Prince of *Capua, that he would sweare Alleageance to the Emperour, when the Pope or his Successors should admonish him thereto, and that when hee did it, he would doe it, with reseruation of his Alleageance to the Pope.* And so when the Emperour *Henrie* the seuenth, though he confessed that he had sworne to the Pope, yet denied *that hee vnderstood that Oath to be an Oath of Alleageance or Fidelity*, the

Binius To. 3. Par 2. fo. 1161.

Popes

Popes haue tooken order, not onely to inſert the oath into the body of the *Canon Lawe*, but to enact thereby, That *whoſoeuer tooke that Oath after, ſhould account and eſteeme it to bee an Oath of Alleageance.* *Clem. de Iure iurand.*

9 With how much curioſitie and vneſcapableneſſe their formes of *Abiuration* vnder oath are exhibited? They thought they had not giuen words enow to *Berengarius*, till they made him ſweare, *That the body in the Sacrament, was ſenſibly handled, broken, and ground with the teeth*; which he was bound to ſweare, *Per Homouſion trinitatem.* And they dreſſed and prepard *Hierome* of *Prage*, an oath, in the Councell of *Conſtance*, by which he muſt ſweare, *freely, volantarily,* (or elſe bee burned) and *ſimplie*, and *without condition*, *To aſſent to that Church, in all things, but eſpecially in the Doctrines of the Keyes, and Eccleſiaſtick immunities and reliques, and all the ceremonies*, which were the moſt obnoxious matters. *De Conſecrat. Diſt. 2. Ego.* *Seſſ. 19.*

10 But yet this ſeem'd not enough; And therefore, though *Caſtrenſis* ſay, That *there is no Law, by which he which abiures, ſhould bee bound to abiure any other Hereſie, then that of which he was infamed*, yet hee ſayes that *it ſtands with reaſon, that he ſhould abiure all.* And accordingly the *Inquiſition* giue an oath, in which, ſayes hee, *Nulla manet rimula elabendi*; For he muſt ſweare, *That he abiures all Hereſies, and will alwayes keepe the faith of Rome; And that* *De iuſta Hæreti. Punitio. l. 1. c. 111*

he hath told all, of others, and of himselfe, and euer will doe so; And that if he doe not, he renounces the benefit of this Absolution, and will trouble the Court with no more dayes of hearing; but sayes he, *Ego me iudico.*

11 And if wee doe but consider the exacte formes, and the aduantagious words and clauses, which are in their *Exorcismes*, to cast out, and to keepe out *Diuels*, they may be good inducements, and precedents to vs, how diligent we should be, in the phrase of our Lawes, to expell and keepe out *Iesuites*, and their *Legion*, which are as craftie, and as dangerous.

12 When therefore it was obserued, that not onely most of the *Iesuites* Bookes which tooke occasion to speake either of matter of *State*, or *Morall Diuinitie*, abounded with trayterous and seditious *Aphorismes*, and derogatorie from the dignitie of Princes in generall; but that their Rules were also exemplified, and their speculations drawne into practise in this Kingdome, by more then one Treason; and by one, which included and exceeded all degrees of irreligion and inhumanity, then was it thought fit to conceiue an oath, whose end, and purpose, and scope was, to try & finde out, who maintained the integrity of their naturall and ciuill obedience so perfectly, as to sweare, that nothing should alter it, but that he would euer do his best endeuour to the preseruation of the Prince, *what enemie so euer* should rise against him.

And

13 And if any of the materiall words, or any clause of the Oath, had beene pretermitted, then had not the purpose and intent of the Oath beene fulfilled; That is, no man had auerr'd by that oath, that he thought himselfe bound to preserue the King against *All* enemies, which to doe, is meere Ciuill obedience. For though the generall word of *Enemie*, or *Vsurper*, would haue encluded and enwrapped as wel the *Pope*, as the *Turke*, when either of them should attempt any thing vpon this Kingdome; yet, as it hath euer beene the wisdome of all States, in all *Associations* and leagues, to ordaine Oathes proper to the busines then in hand, and to the imminent dangers: So now it was most necessarie to doe so, because the malignitie of men of that perswasion in Religion, had so violently broke foorth, and declar'd it-selfe; Which happie diligence, the effect praises and iustifies enough, since it appeares, that if these particular clauses had not beene inserted, they would haue swallowed any Oath, which had beene presented in generall termes and haue kept their Consciences at large to haue done any thing, which this Oath purpos'd to preuent.

14 He therefore that should desire to bee admitted to Sweare, that hee would preserue the King against all his enemies, *Except* the Pope, or those whom he should encourage or imploy; Or that he would euer beare true Allegeance, *Vntill* the

the Pope had discharged him, or that hee would discouer any conspiracie which did happen *before* the Pope did authorize it; Or that he would keepe this Oath, *Vntill* the Pope gaue him leaue to breake it: this man should be farre from performing the intent and scope of an Oath, which should be made for a new attestation, that hee would according to his naturall duetie, and inborne obedience, absolutely defend the King from *All* his enemies.

15 I make no doubt but the *Iesuites* would haue giuen way to the Oath, if it had beene conceiu'd in generall words, of *All obedience*, against all *Persons*; for it were stupiditie to denie that to be the dutie of all Subiects. Nor would they haue exclaim'd, that spirituall Iurisdiction had beene infringed, if in such times as their Religion gouern'd here, this clause had beene added to defend the King, *Though the Metropolitane of England should Excommunicate him*. And yet by there *Doctors* it is auerr'd, that *Iure Diuino*, and *Iure Communi Antiquo*, *A Bishop may Excommunicate a King*, as *Ambrose* did *Theodosius*, and that *excepting onely infallibilitie of iudgement, in matter of Faith, a Bishop might, Iure Diuino, doe all those things in his Diocesse, which the Pope might doe in the whole Church.* For, so *Bellarmine* himselfe concludes, arguing from the Popes Authoritie in all the world, to a Bishop in his Dioceſſe. If therefore an Oath had beene

D'Auila de Censa. Par. 2. c. 4. disp. 1. Dub. 4.

Ibidem.

De Pont. l. 5. c. 3 § Item.

beene lawfull, for defending the King againſt *All* enemies, though a *Biſhop* Excommunicate him, And the Pope haue onely by *poſitiue* lawes, withdrawne from the Biſhops ſome of the exerciſe of their iuriſdiction, and reſerued to himſelfe the power of excommunicating Princes, it is as lawfull to defend him after a *Popes* excommunication now, as it was after a *Biſhops*, when a *Biſhop* might excommunicate: and no man euer ſaid, that a Biſhop might haue depoſed a King.

16 All which they quarrell at in the oath, is, that any thing ſhould be pronounced, or any limits ſet, to which the Popes power might not extend: but they might as well ſay that his *ſpirituall* power were limited or ſhortned, and ſo the Catholique faith impugned, if one ſhould denie him to haue power ouer the winde and ſea; ſince to tame and commaund theſe, *in ordine ad ſpiritualia*, would aduance the conuerſion of the *Indies*, and impaire the *Turks* greatneſſe, and haue furthered his fatherly & ſpirituall care of this Kingdome in 88.

17 All the ſubſtance of the *oath* is virtually comprehended in the firſt propoſition, *That king Iames is lawfull King of all theſe Dominions*; The reſt are but declarations, and branches naturally and neceſſarily proceeding from that roote. And as that *Catholique* which hath ſworne, or aſſented, that *Paul the fift*, is Pope canonically elected, hath

implicitely confeſſed, that no man can deueſt or deſpoile him of that ſpirituall iuriſdiction, which God hath depoſed in him, nor of thoſe temporall eſtates, which by iuſt title his predeceſſours poſſeſſed or pretended too: ſo that Subiect which ſweares king *Iames* to bee his true and lawfull King, obliges himſelfe therein to all obedience, by which hee may ſtill preſerue him in that ſtate; which is to reſiſt *all* which ſhall vpon any occaſion be his enemies.

18 For if a king be a king vpon this condition, that the Pope may vpon ſuch cauſe as ſeemes iuſt to him, depoſe him, the king is no more a *Soueraigne*, then if his people might depoſe him, or if a Neighbour king might depoſe him: For though it may ſeeme more reaſonable and conuenient, that the Pope, who may bee preſumed more equall, and diſpaſſioned then the people, and more diſintereſſed then the neighbour Princes, ſhould be the Iudge and Magiſtrate to depoſe a Prince enormouſly tranſgreſsing the wayes, in which his duety bounde him to walke, though, I ſay, the king might hope for better Iuſtice at his hand, then anothers, yet he is no *Soueraigne*, if any perſon whatſoeuer may make him none. For it is as much againſt the nature of *Soueraignty*, that it may at any time be iuſtly taken away, as that it ſhall certainly bee taken away. And therefore a King whom the Pope may depoſe, is but a *Depoſitarie*,

positarie, and *Guardian* of the *Souerainty*; to whose trust it is committed vpon condition: as the *Dictators* were *Depositaries* of it, for a certaine time. And Princes in this case shall bee so much worse then *Dictators*, as Tenants at will are worse then they which haue certaine leases.

19 And therefore that suspition and doubt, which a learned *Lawyer* conceiued, *that the Kings of France and Spaine lacked somewhat of Souerainty, because they had a dependance, and relation to the Pope*, would haue had much reason and probability in it, (though he meant this onely of *spirituall* matters concerning religion) if that authority which those Kings seeme to be subiect to, were any other, then such, as by assenting to the Ecclesiastique Canons, or confirming the immunities of the Ecclesiastique state, they had voluntarily brought upon themselues, and the better to discharge their duetyes to their Church; and to their ciuill state, had chosen this way as fittest to gouerne their Church, as other waies, by Iudges and other Magistrates to administer ciuill Iustice.

Alb. Gent. de legatio. l. 4.

20 So therefore *his Maiesties* predecessors in this Kingdome were not the lesse *Soueraigne* and absolute, by those acts of Iurisdiction which the Popes exercised here. For though some kings in a mis-deuout zeale, and contemplation of the next life, neglected the office of gouernement to

which God had called them, by attending which function duely, they might more haue aduanced their ſaluation, then by Monaſtique retirings (of which publique care, and preſeruing thoſe which were committed to their charge, and preferring them before their owne happineſſe, *Moſes*, and S^t. *Paul* were couragious examples) Though, I ſay, they ſpent all their time vpon their owne future happineſſe, and ſo making themſelues almoſt *Clergy* men, and doing their duties, gaue the Clergie men way and opportunity, to enter vpon their office, and deale with matter of State; And though ſome other of our kings oppreſſed with temporall and perſonall neceſsities, haue ſeemed to diminiſh themſelues, by accepting conditions at the Popes hands, or of his Legates, And ſome others, out of their wiſedome auoiding dangers of raw and immature innouations, haue digeſted ſome indignities and vſurpations, and by the examples of ſome kingdomes about them, haue continued that forme of Church Gouernment, which they could not reſiſt without tumult at home, and ſcandall abroad; yet all this extinguiſhed no part of their Souerainty; which Souerainty without all queſtion they had, before the other entred into the kingdome, intirely: and Souerainty can neither be deueſted nor deuided.

Exod. 32. 32. *Ro.* 9. 3.

21 As therefore Saint *Paul* ſuffered *Circumciſion* as long as toleration thereof, aduanced the propagation

gation and growth of the Church, when a ſeuere and rigid inhibition thereof would haue auerted many tender and ſcrupulous conſciences, which could not ſo inſtantly paſſe from a commandement of a neceſsity in taking Circumciſion, to a neceſsity in leauing it; But when as *certaine men came downe and taught, that circumciſion was neceſſary to ſaluation*, and ſo ouerthrewe the whole Goſpell, becauſe the neceſsity of both could not conſiſt together, then Circumciſion was vtterly aboliſhed: So, as long as the *Romane* Religion, though it were corrupted with many ſickneſſes, was not in this point become ſo infectious and contagious, as that it would vtterly deſtroy and aboliſh the *Soueraintie* of Princes, the kings of *England* ſuccourd, relieued, and cheriſhed it, and attended an opportunity, when God would enable them to medecine and recouer her; but to be ſo indulgent to her now, is impoſsible to them, becauſe as euery thing is iealous of his owne being, ſo are kings moſt of any: and kings can haue no aſſurance of being ſo, if they admit profeſſors of that Religion, which teache, that the Pope may at any time Depoſe them. *Act. 15.*

22 We doe not therefore by this oath exempt the King from any *ſpirituall* Iuriſdiction; Neither from often incitations to continue in all his duties, by Preaching the word, nor from confirming him in grace, by the bleſſed Sacrament;

Nor from discreet reprehension if hee should transgresse. We doe neither, by this oath, priuiledge him from the *Censures* of the Church, nor denie, by this oath, that the Pope hath iustly ingrossed and reserued to himselfe the power to inflict those censures vpon Princes. We pronounce therein against no power which pretendes to make Kings *better* Kings, but onely against that, which threatens to make them *no* kings.

23 For if such a power as this, of deposing and annihilating Kings, bee necessarie, and certaine in the Church, and the Hierarchie thereof be not well established, nor our saluation well prouided for, without this power, as they teach, why was the Primitiue Church destitute thereof? For if you allow the answere of *Bellarmine*, *That the Church did not depose Kings then because it lacked strength*, you returne to the beginning againe, and goe round in a circle. For the wisedome of our Sauiour is as much impeached, and the frame of the Church is as lame, and impotent, and our saluation as ill prouided for, if *Christ* doe not alwayes giue strength and abilitie to extirpate wicked kings, if that be necessarie to saluation, as he were if he did not giue them Title and Authoritie to doe it. Yea, all these defects would still remaine in the Church, though *Christ* had giuen *Authoritie* enough, and *Strength* enough, if he did not alwayes infuse in the Pope, a *Will* to doe it.

De Pont. l. 5. c. 7. § Quod si.

24 And

24 And where this power of deposing Princes may be lawfully exercised, as in States where Princes are *Conditionall*, and not absolute and Soueraigne, as if at *Venice* the State should depose the *Duke*, for attempting to alter that Religion, and induce *Greeke* errours, or *Turcisme*, or if other States, which might lawfully doe so, should depart from the obedience, and resist the force of their Princes, which should offer to bring into that State, the *Inquisition*, or any other violence to their Conscience, if the people in these States should depose the Prince, did they doe this by any *Spirituall* Authoritie, or Iurisdiction? Or were this done by such a *Temporall* Authoritie, as were *indirect*, or *casuall*, or *incident*, or springing out of the spirituall authoritie, as the Popes ridler makes his authoritie to bee? Or must they stay, to aske and obtaine leaue of their *Clergie*, to depose such a transgressor? If therefore such a particular state, in whom the *Soueraignty* resides, haue a *direct temporall* power, which enables it sufficiently to maintaine, and conserue it selfe; such a *supreme spirituall* power, as they talk of in the Pope, is not necessarie for our saluation, nor for the perfection of the Church gouernment.

25 Nor is there any thing more monstrous, and vnnaturall and disproportioned, then that *spirituall* power should conceiue or beget *temporall*: or to rise downwards, as the more degrees of heigth,

heigth, and Supremacie, and perfection it hath, the more it ſhould decline and ſtoope to the conſideration of ſecular and temporall matters. It may well haue ſome congruity with your Rules, that the Popes of Rome, in whom the fulneſſe of ſpirituall power is ſaid to be, ſhould haue more iuriſdictiō in *ſpirituall* matters, then other Prelates. They may be better truſted with the *ſpirituall food* and phyſicke of the Church, and ſo prepare and preſent, the *Word*, and the *Sacraments*, to vs, in ſuch outward ſort and manner, as wee may beſt digeſt, and conuert them to nouriture. They may be better truſted with the *ſpirituall Iuſtice* of the Church, and make the *cenſures* thereof profitable to the delinquent, and others by his example. They may be better truſted with the *ſpirituall treaſure* of the Church, and apply and diſpence the graces, of which they haue the *ſtewardſhip*, at their diſcretion. They may be better credited with *canonizing* of Saints, and ſuch acts of *ſpirituall power*, then others: and theſe are many, and great offices, to be put into one bodies hands. But that out of this power, and then onely when this power is at her fulneſſe and perfection in the Pope, there ſhould ariſe and growe a *temporall* power, which in their eſtimation, is ſo poore and wretched a thing, that a boy which doth but ſhaue his head, and light a candle in the Church, is aboue it, (for ſo they ſay, euen of the *leſſer Orders*) is either

ther impoſsible, or ſo prodigious, as if (to inſiſt vpon their owne comparisons of *ſpirituall* and *temporall* power) the *Sunne* at his higheſt glory, ſhould be ſaid to produce a *Moone-light*, or *golde*, after all trials and purifyings, ſhould bring forth *Lead*.

26 Nor doe they for this *Timpany*, or *falſe conception*, by which *ſpirituall* power is blowne vp, and ſwelled with *temporall*, pretend any place of *Scripture*, or make it ſo much as the putatiue father thereof. For they doe not ſay, that any place of *Scripture* doth by the literall ſenſe thereof, immediatly beget in vs, this knowledge, *That the Pope may depoſe a Prince*; but all their arguments are drawne, from naturall *reaſon*, and *diſcourſe*, and *conueniencie*. So that, if either the ſpringe which moues the firſt wheele, or any wheele by the way be diſordered, the whole Engine is defeated, and made of no vſe.

27 And in this wee will ioyne and concurre with *Azorius*, the *Ieſuite*, That *though there be ſome-things which neither the Scriptures doe in expreſſe words forbid the Pope to doe, nor the Canons can diſable him, becauſe hee is aboue them, yet the very law of Nature inhibites them, and prouides that by no meanes they may be done; and that if the Pope ſhould doe ſuch a thing, there were a Nullity in the action, and the Church would neuer permit it, but doe ſome act in oppoſition againſt it*, And all this out of this reſpect, *That* To. 2. l. 4. C. 5. S. Tertio.

naturall Reason would teach them, that the generall peace and tranquility of the Christian Common-wealth would be disturbed thereby.

28 If therefore in the point in question, wee must be directed by *naturall reason*, and dispute which is most profitable and conuenient for the peace of *Christian* states, though it may bee long vncertaine on both sides, where the victorie will fall, yet, during the suite, *Melior est conditio possidentis*. And since it is confessed, that Princes before they accepted Christianitie, had no *Superiour*, and nothing appeares why Princes should not be as well able to gouerne Subiects in *Christian* Religion, as in *Morall vertue*, or wherein they neede an equall *Assistant*, or *Superiour*, now, more then before, or by what authoritie the Pope is that *Officer*, it is a precipitate and hastie preiudice for any man, before iudgement, to set to the seale of his bloud, and a licentious and desperate extending of the *Catholique* faith, to intrude into the body thereof, and charge vpon our consciences, vnder paine of *damnation*, such an *article*, as none but the thirteenth Apostle *Iudas* would haue made, and in which their owne greatest Doctors, are yet but *Catechumeni*, and haue no explicite beliefe thereof: for they neither bring to that purpose, *Scripture, Tradition, consent of Fathers, generall Counsaile, no nor Decree of any Pope.*

29 And, I thinke, I may safely auerre, that it will

will not constitute a *Martyrdome*, to seale with your bloud any such point heere, as the affirming of the contrary, would not draw you into the fire at Rome. Except you should be burned for an Opinion there, you cannot be reputed *Martyrs*, for holding the contrarie here. As therefore it were no *Heresie* at *Rome*, to denie the Popes *direct* power, nor his *indirect*, (for if it were, *Bellarmine* and *Baronius* had made vp an *Heresie* betweene them, as *Sergius* and *Mahomet* did) so is the affirmation thereof no *article of faith* in *England*.

30 This then being so farre from being an *Article of faith*, by what power the Pope may depose a Prince, as that it is euen amongst them which affect an *Ignorance*, but *Dubium speculatiuũ*, a man may safely, and ought to take the Oath: For so a man of much authority amongst themselues doth say, *That in a doubt which consists in speculation, we doe not sinne, if we doe against it*: and himselfe chuses this example, *If a Souldier doubt whether the warre which his Prince vndertakes be iust or no, yet in the practique parte, hee may resolue to fight at his Princes command, though he be not able to explicate the speculatiue doubt*. And he ads this in confirmation; *That where one part is certaine, and the other doubtful, we may not leaue the sure side, and adhere to the other*. In his example that which hee presumes for certaine, is this, *That euery man ought to defend his Prince*, and the speculatiue doubt is, *Whether the*

Carbo. summa summarum. To. 1. Par. 1. C. 14. §. prima.

warre be iuſt or no. If this be applied to our caſe, euery man will finde this certaine impreſsion in himſelfe, that hee ought to ſweare ciuill obedience to his Prince, and this will be ſo euident to him, that no doubt can ariſe, ſo ſtrong, or ſo well commended to him, by any pretence of Reaſon, and deducements, as may make him abſtaine from a practique duety, for a ſpeculatiue doubt. For ſo, *Fran. a Victoria*, maintaining the ſame opinion, giues theſe reaſons for it, *That not onely in defenſiue warre, but in offenſiue* (which is further then our caſe, in any probability, is like to extend to) *the Prince is not bound to giue an account to the ſubiect of the iuſtice of the cauſe: And therefore (ſaies hee) in doubtfull caſes, the ſafer part is to be followed: And if he ſhould not fight for his Prince, he ſhould expoſe the State to the enemy, which is a much more grieuous offence, then to fight againſt the enemy, though he doubt of the cauſe.* For if their opinion were an *euident Truth*, both their *Doctors* would be able to explicate it, and their *Diſciples* would neede no explication.

Franc. a Victor. Relect 6. De Iure bell. §. Tertium Dubium.

31 This Oath therefore containing nothing, but a *profeſſion of a morall Truth, and a proteſtation that nothing can make that falſe*, impugnes no part of that *ſpirituall* power, which the Pope iuſtly hath, nor of that which he is charged to vſurpe. That which hath ſeemed to many of them, to come neereſt to his *ſpirituall* power, is, that the Deponent

nent doth sweare, *That the Pope hath no power to absolue him of this Oath*. But besides, that it hath beene strongly and vncontroulably prooued already by diuers, that no absolution of the Popes can worke vpon the matter of this Oath, because it is *a morall Truth*, I doe not perceiue, that *to absolue a man from an Oath, belongs to spirituall Iurisdiction*.

32 For Dispensations against a law, and absolutions from Oathes and Vowes worke onely as *Declarations*, not as *Introductions*. And that power which giues me a priuiledge, with a *Non obstante* vpon a law, or an absolution from an oath, doth not enable mee to breake that lawe, or that Oath, but onely declares, *That that law and Oath, shall not extend to me in that case*, and that if this particular case could haue beene foreseene, at the making of the law, or the Oath, neither the Oath, nor the law ought to haue beene so generall.

33 So therefore these Absolutions, are but *interpretations*, and it belongs to him who made the law, to interpret it. For without any vse of *spirituall* Iurisdiction, the Emperour *Henry* the seuenth, absolued all the Subiects of *Robert* king of *Sicily* of their oathes of Alleageance, when he rebelled against the Empire, of which hee was a *feudatarie* Prince. And though the Pope annulled this sentence, it was not because the *Emperour* might not doe this, but because the king of *Sicily* held also of

Clem. de Sen. et re. iud. Pastoralis.

the Church, and this absoluing of Subiects made by the *Emperour*, extended to the Subiects of the Church.

Dig. li. 50. Tit. 1. Ad munic. le. fin.

34 So also the Emperours *Antoninus* and *Verus*, when one had made an oath, that *he would neuer come into the Senate*, creating him such an *Officer*, as his personall attendance was necessary in the Senate house, by an expresse *Rescript*, absolued him of his oath. Of which kinde there are diuers other examples.

15. q. 6. Authoritatem. gloss.

35 And your *Canons* doe not require this *spirituall* Iurisdiction, alwaies in this Act of absoluing an oath. For if I haue bound my selfe to another by an vniust oath, in many cases I may pronounce my selfe absolued; and in others I may complaine to the Iudge, that hee may force him, to whom I swore, to absolue me of this oath. And in such cases as we are directed to goe to the Church, and the gouernour thereof, it is not for absolution of the oath, but it is for iudgement, *whether there were any sinne in making that oath, or no*. For when that appeares, out of the Nature of the matter, arises and results a Declaration sufficient, whether wee are bound or absolued. If therefore the matter of this oath be so euident, as being Morall, & therefore constant and euer the same, that it can neuer neede his iudgement, because it can in no case be sinne, the scruple which some haue had, that by denying this power of absoluing, his spirituall

rituall power is endamaged, is vaine and friuolous.

THE SECOND PART.

FRom this imputation, of impairing his *ſpirituall* power, euery limme and part of the oath, hath beene fully acquited, by great, and reuerend perſons, ſo, as it were boldneſſe in me, to add to that which they haue perfited; ſince additions doe as much deforme, as defects. Onely, becauſe perchance they did not ſuſpect, that any would ſtumble at that clauſe, which in the oath hath theſe words, *I abiure as impious, and Hereticall, that poſition, &c.* I haue not obſerued that any of them, haue thought it worthy of their defence; But becauſe I haue found in ſome *Catholiqus*, when I haue importuned them to inſtance, in what part of the oath *ſpirituall* Iuriſdiction was oppugned, or what deterr'd them from taking the ſame, that they inſiſted vpon this, That it belonged onely to the *Pope* to pronounce a *Doctrine* to be *Hereticall*, and that, ſince there was a *Canon* of a generall *Councell* pretended for the contrary opinion, and that it was followed by many learned men, it were too much boldneſſe for a priuate man, to auerre it to be 36

be *Hereticall*, I am willing to deliuer them of that scruple.

37 It is no strange nor insolent thing with their Authors, to lay the Note of *Heresie* vpon *Articles*, which can neither be condemned out of the word of God, nor are repugnant to any Article of faith; for *Castrensis*, that he might thereby make roome for *traditions*, liberally confesses, *That there are many Doctrines of the Heretiques, which cannot be refelled by the testimonie of the Scriptures.* And the *Iesuite Tannerus* is not squeamish in this, when hee allowes thus much, *That in the communion vnder one kinde, and in fasts, and in feasts, and in other Decrees of Popes, there is nothing established properly concerning faith.* So that with you, a man may be subiect to the *penalties*, & so to the *infamie*, & so to the *damnation* belonging to an *Heretique*, though hee hold nothing against the Christian faith.

Aduer. Haer. l. 1. c. 5. in princ.

De libert. Eccles. l. 2. c. 9. §. Secundus.

38 But wee lay not the Name of *Heresie* (in that bitter sense which the Canons accept it) vpon any opinion which is not against the Catholique faith. Which faith wee beleeue *Leo* to haue described well, when hee saies, *That it is singular, and true, to which nothing can be added, nor detracted:* and we accept S. *Augustines* signification of the word *Catholique*; *wee interpret the name Catholique, by the Communion with the whole world; which is so Essentiall & so truly deduced out of the Scriptures, that a man which will speake of another Church, then*

Ad Leo. Aug. Epist. 97. in princi.

Epist. 48. Cont. Rogat. et Donat.

the

the Communion of all Nations, which is the name Catholique, is as much Anathematized, as if he denie, the Death and Resurrection of Christ. And what is this *Essentiall truth*, so euident out of *Scripture*, which designes the *Catholique Church*? Because, sayes *Augustine, the same Euangelicall truth which tells vs the Death and Resurrection, tells vs also, That Repentance, and Remission of sinnes shall be preached in his Name, through all Nations.* That therefore is *Catholique* faith, which hath beene alwaies and euery where taught; and *Repentance*, and *Remission* of sinnes, by the *Death* and *Resurrection* of *Christ*, and such truthes as the *Gospell* teaches, are that *Doctrine*, which coagulates and gathers the Church into a body, and makes it *Catholique*; of which opinion *Bellarmine* himselfe is sometime, as when he argues thus, *Whatsoeuer is Heresie, the contrarie thereof is veritas fidei*; for then it must be matter of faith. And an errour with pertinacie in those points onely, should bee called *Heresie*, in that heauie sense, which it hath in a Papists mouth. 39

De Euchar. l. 3. c. 8. §. Ac primum.

40 *Castrensis* foresaw this Danger of *Recrimination*, and retorting vpon themselues, this opprobrious name of *Heretique*, if they were so forward to impute it, in matters which belonged not to faith, for accordingly he saies, *They amongst vs, which doe so easily pronounce a thing to be Heresie, are often stricken with their own arrow, & fall into the pit which they digged for others.* And certainly as the

Aduer. Heres. l. 1. c. 7.

Greeke Church by vſing the ſame ſtifneſſe and rigour towards the *Romane*, as the *Romane* vſes towards the other *Weſterne* Churches, which is, not onely to iuſtifie their opinions, but to pronounce the contrarie to be *Hereſie*, hath tamed the *Romane* writers ſo farre, as to confeſſe that they condemne nothing elſe in their opinion and practiſe of conſecrating in a different bread, but that they impoſe it, as *a neceſsitie vpon all other Churches*, and hath extorted a *Decretall* from Pope *Eugenius*, *That Prieſts in Conſecrating* (not onely may) *but ought to follow the cuſtome of that Church where they are*, whether in leauened, or vnleauened bread, and *Innocent* the third, required no more of them, in this point, but *that they would not ſhewe ſo much deteſtation of the Romane vſe therein, as to waſh and expiate their Altars, after a Romane Prieſt had conſecrated*. So if it ſhould ſtand with the wiſedome and charity of the *Reformed Church*, lurid cally to call, all the Additions which the Romanes haue made to the Catholique faith, and for which, wee are departed from them, *abſolute and formall Hereſie*, though perchance it would not make them abandon their opinions, yet I thinke it would reduce them to a more humane and ciuill indifferencie, & to let vs, without impoſing their *traditions*, enioy our own Religion, which is, of it ſelf, in their confeſsion, ſo free frō *Hereſie*, that they are forced to make this all our *Hereſie*, that we will not admit theirs.

Bouoſius.

In 7° Sit. 1. C. 2.

Azor. To. 2. l. 4. C. 15. §. Item eo.

4 Yet

41 Yet somethings haue so necessary a consequence, and so immediate a dependance vpon the Articles of faith, that a man may be bolde to call the contrary *Hereticall*, though no *Definition* of any Councell haue pronounced it so; yea some *Notions* doe so precede the *Articles* of our faith, that the *Articles* may be said to depend vpon them so farre, as they were frustrate, if those *prenotions* were not certaine. Of that sort is the *Immortality* of the soule, without which the worke of *redemption* were vaine. And therefore it had beene a vitious tendernesse, and irreligious modesty, if a man durst not haue called it *Hereticall*, to say, *that the soule was mortall*, till *Leo* the tenth, in the *Laterane Councell* Decreed it to bee *Heresie*. For though *Bellarmine* in one place require it as Essentiall in an *Heresie*, *That it haue beene condemned in a Councell of Bishoppes*, yet he saies in another place, *That the Popes alone without Councels, haue condemned many Heresies.*

In septimo l. 5. Tit. 3. c. 8.

De Euchar. l. 3. c. 8. § Ac primùm

42 And this liberty hath beene vsed as well by *Epiphanius*, and S. *Augustine* in the purer times, as by *Castrensis* and *Prateolus*, in the later *Romane* Church, and of late yeares (of those which adhere to *Caluins* Doctrine, by *Danæus*, and of *Luthers* followers, by *Schlusselbergius*; all which in composing *Catalogues* of *Heretiques*, haue mentioned diuers, which as yet no generall Councel hath condemned. So did the *Emperours* in their constituti-

De Pont. l. 4. c. 3. § Alterum.

ons pronounce against some *Heresies* of which no Councell had determined. So did the *Parliament* of *Paris* in their sentence against *Chastell* for the assasinate vppon the person of this King of France, pronounce certaine words, which he had sucked from the *Iesuits*, and vttered in derogation of Kings, to bee *Seditious*, *Scandalous*, *and Hereticall.*

42 And if the Oath framed by order of the Councell of *Trent*, and ratified and enioyned by the Popes *Bull*, be to be giuen to all persons, then must many men sweare somethings to be of the *Catholique faith*, and some other things to be *Heretical*, in which he is so farre remooued from the knowledge of the things, that he doth not onely not vnderstand the signification of the wordes, but is not able to sound, nor vtter, nor spell them.

43 And hee must sweare many things determinately, and precisely, which euen after that *Councell* some learned men still doubt, *As, that a license to heare confessions, in euery Priest not beneficed, is so necessarie, necesitate Sacramenti, that except hee haue such a license, the penitent, though neuer so contrite and particular in enumeration of his sinnes, and exact in satisfactions, and performing all penances, is vtterly frustrate of any benefite by vertue of this Sacrament.* So therefore a certaine and naturall euidence of a morall truth, such as arises to euery man, *That to a*

D'Alain. de pot. Epis. c. 23. n. 5. ex Suarez.

King

King is due perpetuall obedience, is better authority to induce an assurance, and to produce an oath, that the contrary is *Hereticall*, then an implicite credite rashly giuen to a litigious Councell, not beleeued by all Catholiques, and not vnderstood by al that sweare to beleeue it.

44 For the other obstacle and hinderance which retards them, from pronouncing that this position is *hereticall*, which is, *the Canon of the Laterane Councell*, enough hath beene said of the infirmity and inualidity of that Councell by others. Thus much I may be bolde to adde, that the *Emperour* vnder whome that Councell was held, neuer accepted it for a *Canon*, neither in those wordes, nor in that sense, as it is presented in the *Canon law*; from whence it is transplanted into the body of the *Councels*. And the Church was so farre from impugning the *Emperours* sense and acceptation thereof, that *Innocent* the fourth, and diuers other Popes being to make vse thereof, cyte the *Constitution of the Emperour*, not any *Canon of a Councell*, in their Directions to the *Inquisitors*, how to proceede against Heretiques. They therefore either knew no such Canon, or suspected and discredited it.

Ann. 1215. ca. 3.

Extra. de Hæresi. c. 13.

Direct. Inqui. lit. Apostol. pag. 13, 27, 51.

45 Thus therefore that pretended Canon saies, *If a temporall Lord warned by the Church, do not purge his land of Heretiques, let him be excommunicate by the Metropolitane and Conprouinciall bishopps; if he satis-*

fie not within a yeere, let it be ſignified to the Pope, that he may denounce his ſubiects to be abſolued from their Alleageance, and expoſe his Land to Catholickes, which may without contradiction poſſeſſe it, the right of the principall Lord (which we call Lord Paramount) *being reſerued, if hee giue no furtherance thereunto.* And thus farre without doubt the *Canon* did not include *Principall* and *Soueraigne Lords*, becauſe it ſpeakes of ſuch, as had *Lords* aboue them. And where it concludes with this clauſe, *The ſame Law being to be obſerui'd toward them, Qui non habent Dominos principales*, The *Imperiall* Conſtitution hath it thus, *Qui non habent Domos principales.*

Cod. l. 1 Tit. 5. l. 4 § Si vero.

46 And certainely the moſt naturall and proper acceptation of *Domos Principales* in this place, in the *Emperours* Lawe, is the ſame as the word, *Domicilium Principale*, hath in the *Canons*, which is a *Mans chiefe abiding and Reſidence*, though vpon occaſion he may be in another place, or haue ſome relation and dependance vpon a Prince out of that Territorie. And it may giue as much clearenеſſe to the vnderſtanding of this Lawe, if wee compare with it, the great and ſolemne *Clementine Paſtoralis.*

De Sent. & reind

47 For then *Robert* being King of *Sicily*, that is, ſuch a *Principall Lord*, as this pretended *Canon* ſpeakes of, but yet no *Soueraigne* (for he depended both vpon the *Empire* and vpon the *Church*) was condemned as a *Rebell* by the *Emperour Henrie* the

ſeuenth

seuenth. And *Clement* the fift, annuli'd and abrogated that *Sentence*, of the Emperours, vpon this reason; That *though the King of Sicily held some Lands of the Empire, yet Domicilium suum fouebat in Sicilia*, which belong'd to the Church, and therefore the Emperors Iurisdiction could not extend to him, because he had not *Domicilium in Imperio*. Hereupon the *Glosse* enters into Disputation, how farre a man which hath goods in one *Dominion*, shall be subiect to the Lawes of that place, though his *Principale Dominium* (as he still calls it) be in another. So that it seemes the *Emperour* had this purpose in this *Constitution*, that those *Domini Principales*, which were vnder the *Iurisdiction* and *Dependance* of the *Empire*, should indure the penaltie of this Law, if they transgressed it, though they had not there *Domos Principales* within the limits of the Emperour. For at the time, when this *Constitution* was made, the Emperours thought it lawfull for them to doe so, though a hundred yeere after, *Clement* the fift, denied by this *Canon*, that they had so large a power. But this Constitution inferres nothing against *Soueraigne Lords*, whom the *Emperour* could not binde by any *Constitution* of his, because they had no dependance vpon him.

48 And as the *Constitution* differs from the *Canon* in such materiall words as ouerthrowes that sense which they would extort out of it, which is, *That Soueraignes are included therein*, so doeth it in the

the sense, and in the appointing of the *Officer*, who shall expel these fauourers of *heretiques*. For where the *Canon* saies, *Let it be tolde to the Pope, who may absolue the Subiects, and expose the land*, the *Emperour* speakes of himselfe, *we do expose the land*. So that he takes the authority out of the Popes hand; which he would not haue done, nor the Pope haue cyted as to his aduantage, that lawe by which it was done, if either *Iure Diuino* such a power had resided in him, or a *Canon* of a generall Councell had so freshly inuested him therewith.

49 And as it is neither likely that the *Emperour* would include himselfe in this law, nor possible that he should include others as *Soueraine* as himselfe, at least: so doth it appeare, by the *Ordinary Glosse* vpon that constitution (which hath more authority, then all other *Expositors*) that that law is made against such Lords and Subiects, as haue relation one to another by feudall law; for so it interpretes *Dominum temporalem*, and *Dominum principalem*, to be, *when some Earle holdes something of a King, which King also must haue a dependency vpon the Empire*, because otherwise the *Imperiall* law could not extend to him. And yet euen against those *principal Lords*, the law seemes so seuere, that the Glosse saies, *Non legitur in Scholis*. So that so many proofes hauing beene formerly produced, *That this Councell made no Canons*, but that those which are vsually offered now, are but ragges torne out of

of one booke, and put into another, out of the *Extrauagants into the Councels*, and this *Imperiall* constitution, which to the Pope himselfe seemed of more force, then his Predecessors *Decretall*, neither concerning *Soueraine Lords*, nor acknowledging this power of absoluing Subiects, to be in the Pope, but in himselfe, no sufficient reason arises out of this imaginary Canon, which should make a man affraid to call that *Hereticall*, which is against his naturall reason, and against that maine part of *Religion*, which is, ciuill obedience.

50 For the *Romans* dealing more seuerely, and more iniuriously with vs, then the *Greeke* Church did with them, when they presented to the *Emperour*, vpon a commission to make an Inquisition to that purpose, 99. *errours and deuiations in matter of faith, in the Romane Church*: of which some were *Orthodoxall* truths, some, no matter of faith, but circumstantiall indifferencies, though they called them all errours in faith; the *Romane* Church, I say, traducing our doctrine, with as much intemperance and lower language, giues vs example to call all their errours *Hereticall*. And so, when *Drusius* in his owne defence against a *Iesuite* who had called him Heretique, saies, That *Heresie must be in fundamentis fidei*; the *Iesuite* replies, that *euen that assertion of Drusius is Heresie*.

Azor. par. 2. l. 4 c. 15. § Item eo.

Serar. Trihæ. l. 3. c. 20.

51 And this doctrine and position, which this Oath condemnes, will lacke nothing of *formall*

and absolute Heresie, if those notes bee true, by which *Bellarmine* designes *Heresie*, and saies, *that if that be not Heresie to which those Notes agree, there is no heresie in the world.* For, (as he requires to constitute an *heresie*) we can note the *Author*, to haue beene *Gregory* the seuenth; the *place* to haue been *Rome*, the *time* betweene fiue and 600 yeares past, And that *it began with a few followers, for* [a] *sometimes but fifteene, sometimes but thirteene Bishops adherd to Gregory,) when euen the Bishops of Italy fauoured the other part: And that it appeared with the admiration of the faithfull*; for so it is noted to haue beene, *Notum scisma*: And that contradiction and *opposition was made* by all the *Imperiall Clergy*, and much of *Italy* it selfe. And, for that which is the last note proposed by *Bellarmine*, *that it bee condemned by a Councell of Bishops, and all faithfull people*, though that haue not yet beene done, because God for our sinnes, hath punished vs with a Dearth of Councels, and suffered vs in a hunger, and rage of glory, and false constancie, to eate and gnaw vpon one another, with malignant disputations, and reprochfull virulencies, yet when his gracious pleasure shall affoord the Church, that relieue, wee doe iustly hope it will haue that condemnation, and so be a *consummate heresie*, because no *Pseudo-Councels* as yet haue beene able to establish the contrarie.

52 And though these markes and certaine notes

De Euchar. l. 3. c. 8. §. Ac primum.

[a] *Vercellens. De vnitat Eccles. conserua.*

notes of *Hereſie* be tyrannically, and cautelouſly put by *Bellarmine* (becauſe it is eaſie to name manie *Hereſies*, in which many of theſe markes are wanting, of which wee know neither Parents, Country, nor age, and which inſinuated themſelues, and got deepe roote in the Church, before they made any noiſe or trouble in the ſtate thereof, and at the firſt breaking out, were countenanced with many and mighty fauourers, and which no generall Councell hath yet condemned) yet, as I ſaid, we refuſe not theſe marks, but ſubmit this opinion, to that triall, whether it be properly *Hereticall*, or no. For it will as well abide this triall, as an other, propoſed long before by S. *Auguſtine*, *That hee is an Heretique, which for any Temporall aduantage, and aduancement of his Supremacie, doth either beget, or follow falſe and new opinions*, Which ſeemes directly ſpoken of this Temporall Supremacie: to which alſo, S. *Paul* may iuſtly bee thought to haue had ſome relation, when he reckons *Hereſie, amongſt the workes of the fleſh and worldly matters.*

24. q. 3. Hæretic. ex. lib. de vtil. credendi.

Gal. 5. 20.

53 But leauing this exact and ſubtill appellation of *Hereſie*, let him whom that ſcruple deterrs from the oath, *That hee muſt ſweare the doctrine to be Hereticall*, conſider in what ſenſe our law vnderſtands the word in that place.

54 The *Imperiall* Law layes an imputation vpon that man, *Qui Sæua verborum prærogatiua fraudulen-*

Cod. l. 1. tit. 1. de ſ.

dulenter contra Iuris ſententiam abutitur; that *he is as guilty as he, which breakes the law*. For hee which picks a quarrell with a law, by pretence of an ambiguous word, declares that hee would faine eſcape the obligation thereof. But, ſaith the ſame law, *A Law maker hath done enough, when he hath forbidden that which he would not haue to be done; the reſt muſt bee gathered out of the purpoſe of the law, as if it had beene expreſt.* And no man can doubt, but that the law-maker in this law, hath forbidden *Defection* from the Prince; and the purpoſe of the law, was to prouide onely againſt that. Out of which purpoſe no man can iuſtly collect, that the Deponent ſhould pronounce the contrarie Doctrine, ſo *Hereticall*, as that he which held it, or relapſed into it, might be burnt; but that it was apparantly *erroneus*, and *impious*, and *fit to bee abiured*; And how little *erroneous* lackes of *Hereticall*, and wherein they differ, *Diuines are not agreed*, ſaies your *Simancha*, and it is yet vndetermined.

Ibid.

Enchird. Ind. Tit. 24. n. 20.

55 Nor is there required in this *Deponent*, ſuch an aſſurance in Faith, as belongs to the making of an Article, *Formall Hereſie*, but ſuch an aſſurance in Morall reaſon, and Humane diſcourſe, as *Bartholus* requires in him which takes an Oath, when he ſayes, *He which ſweares the trueth of any thing, vnderſtands not his Oath to be of ſuch a trueth, as is ſubiect to ſenſe, Sed iurat de vehementi opinione.*

In Dig. l. 39. de Dam. infe. le. 13. Nu 18.

56 And the word *Hereticall* in this Oath, hath ſo

so much force, as the word to *Anathematize*, hath in many *Councels*. As, for example, in that place of the Councell of *Constantinople*, where it is said, *Let him be Anathematiz'd, which doeth not Anathematize Origen*. Which is meant of a detestation and abhorring som of his opinions, not of pronouncing him, a formall and consummate Hereticke. For you may well allow a *Ciuill* and conuenient sense to this word, in this Oath, that it meanes onely *Impious*, and *inducing of Heresie*, since you haue bound all the world vpon paine of *Damnation* to beleeue, *That S. Paul call'd* Concupiscence *sinne, not becausse it was sinne, but becausse it proceeded from sinne, and induced to sinne.*

Ca. 11.

Conc. Trid. Sess. 4 de Peccat. Orig.

57. A great *Casuist*, and our *Countreyman*, deliuers safe Rules which may vndeceiue them in these suspicions, if they will not be extremely negligent; and *Negligentia dissoluta Dolus est*. For thus hee saies, *Though a law should prouide expresly, that the words of the law should bee vnderstood as they lie, yet they must receiue their interpretation from the common vse of speach; which is, that which the most part in that Country doe vse. And if both significations may be found in common vse, that must be followed, which out of likelihood and reason, seemes to haue beene the meaning of the lawmaker, though it be improper: And his meaning appeares, when the word taken in the other sense, would create some absurd, or vniust matter.* And as amongst vs, those with whom this word here-

Sayr. Thes. Cas. conse. l. 3. c. 8. n. 6. & 7.

Hereticall is in most vse, which are *Diuines*, vse the word promiscuously, and indifferently, against all *impious* opinions: so especially did the Lawmaker at this time vse it, because otherwise, it had beene both *absurd*, to decree a point to be properly *hereticall*, which was not brought into debatement, as matter of faith, and it had beene *vniust*, vnder colour of requiring ciuill obedience, to haue drawn the deponent, to such a confession, as if he had relapsed and fallen from it after, hee might haue beene burned.

58 And the words of the oath agree precisely to *Sayrs* rule; for the *deponent* must sweare, *according to the expresse wordes, and the plaine and common sense, and vnderstanding of the same.* And *Sayr* saies, *That if we must sweare to a Law, according to the proper signification of the words, then there is no place for such discretion, and for admitting a diuers sense:* but the wordes of our Oath, which are, *According to the plaine, and common sense*, fall directly within his first Rule.

59 And the law hath good warrant and precedent to assume the word, *hereticall*, in such a moderate signification; for so the *Scriptures* vse the word, when S. *Paul* saies, *oportet hereses esse*, which *Gretzer* confesses, when to excuse the *vulgate Edition*, which hath in that place, left out the wordes, *In Vobis*, he saies, *It would do no harme to their cause to admit those wordes, because it is not spoken, De hæresi propriè dicta.*

1. *Cor.* 11. 19.

Defensio. Bell. l. 2. *c.* 14.

60 And

60 And so the generall Councell of *Constantinople* within the first foure hundred yeares, calles some *Heretiques*, though they be not *Anathematized* by the Church, *because they make Conuenticles against bishopps, and accuse them vnorderly, and against the forme of Canons.* So also doth another Councell say of *Simony*, that it is not onely *Sacrilegious*, but *hereticall.* can. 6.

Turon. 2. c. a. vlt.

And accordingly to these, a late Pope, *Leo* 10. in a formall *Decree* and *Bull*, vses the worde in a like sense. For he condemnes the Articles imputed to *Luther*, *Tanquam respectiue hæreticos, because out of some of them it would follow, that the Church had erred.* But that proposition, out of which the next deducted Conclusion, might bee Heresie, is not it selfe necessarily Heresie properly vnderstood.

Binius To. 4. fo. 654.

61 And as these do, so also doe the *Canons* in the law, speake in a moderate phrase: For in one place, wher the text saies, that a thing is done, *Contra fidem Catholicam*, the Glosse explicates it, *Contra bonos Mores*: and in another place, it interpretes the same wordes so, because it dooth *Sapere hæresim*; and yet it is not *heresie*: and so we finde a late *Decretall*, to call Simony, *True and vndoubted heresy*, where *Gregory* is produced, to giue this reason why *Simony* is called *heresy*, because *whosoeuer is ordained by Simony, is therfore ordained that he may be an heretique.* So that we see, such acts as beget or accompany *heresy*, are called *heresy* in this milde acceptation.

Dist. 1. Consuetudinem ver. fidem.

De consecrat. Dist. 4. Simon. ver. catholicum.

In septimo Tit. 3. c. 1.

ceptation, which our law giues it.

L. 2. aduer. marti c. 2.

62 From which sense the *Fathers* did not abstaine in vsing that worde; for *Tertullian* saies, *That no man will doubt to call Adams transgression heresie, since by his owne election, he adhered rather to his owne will, then to Gods.* And in another booke he saies, *Not so much newnes, as truth doth conuict things to be heresies, for whatsoeuer tastes against truth, is an heresie, though it be an ancient custome.* And so saies S. *Augustin* (if their owne men cite him truely) That Schisme is called Heresie, *not that it is heresie, but that it disposes to heresie.*

De veland. virg. c. 1.

Alf. castr. adu. Ham. l. 1. c. 9.

63 And the *Iesuits* themselues, who are the preciset and seuerest accepters of this word, come thus neere, *That some things tolerated by the Church, though they be not proprie hæretica, yet they are hæresi proxima.* For so saies *Bellarmine*; and hee might iustly make this position which wee speake of, his example. And his defender *Gretzer* saies, that *some opinions are so framed, that though no Decree of the Church haue yet condemned them, yet they are enormous, Scandalous, and hæresi proximæ.*

De pont. l. 4. c. 5. § Exhis.

Append. ad lib. 1. Bell. § Interim.

64 And thus also do the *Schoolemen* somtimes take it; For so, saies *Aquinas* out of S. *Ierome*, that *he which expounds the Scriptures against the sense of the holy Ghost may be called an heretique, though he depart not from the Church.* And so haue diuers compilers of the Ecclesiastique history done; for *Epiphanius* reckons diuers sects of the *Iewes* and *Gentiles*

22. q. 11. Ar. 2. ad 2.

De Hæresib.

tile Philosophers, amongst *Heretiques*. And *Bernardus de Lucemburgo* inserts into his Catalogue of *heretiques*, *Auerros* and *Auicen*, though they were not *Christians*. And lastly that the word was vulgarly so vsed, as by many other obseruations, so is it euident by a Story in *Matb. Paris*, where one vpon his death-bed cals the Friers *heretiques for not reprehending the Prelates*, & the Prelates *heretiques, for conferring Benefices vpon vnworthy persons*: yea in this very case, which we haue in hand [b] an authour, of your owne Religion, pronounces thus of those fifteene *Bishops*, which adhered to *Gregory* the seuenths party, against the *Emperor*, *It is great heresie to resist the Ordinance of God, who onely hath power to giue Empire, which heresie it appears that those fifteene false Bishops haue committed.*

Alf. castr adu. Heres. l. 1. c. 9.

catalog. test. ex Mat. Paris. Anno 1253.

[b] *Vercell. de vnitat. Eccles.*

65 As therefore all sorts of men, into whose mouthes vpon any occasion this word was like to come, haue vsed the word for *Erroneous*: and *Impious*, and *Corrupting* good manners, and disposing & preparing absolute and proper Heresie, so doth the law accept it in this oath, where it makes it equiualent, and Synonimous, to the wordes which are ioyned with it, which are *Impious* and *Damnable*: and therefore it is but a Calumny cast vpon the law, and a tergiuersation picked out for their escape, if any pretend for that word, to decline the Oath.

66 But if this word in this place, were to be

vnderstood in the strictest and seuerest sense, that a *Iesuite* could vse it against vs, yet hee that shall take the Oath, doth not thereby pronounce, *that any Position, which attributes any power to the Pope, is hereticall.* Not, that hee may excommunicate a King; no, nor that he may depriue him: but it is thus conceiued, *That this position is hereticall, That Princes which be excommunicate, or depriued by the Pope, may be deposed or murdred by their subiects or any other.* So that it casts no Manicles vpon the Popes hands; if he will *excommunicate*, let him; if he will *depriue*, let him. Onely them, who by his act, (of the goodnes or badnes whereof this Proposition pronounces nothing) may be mis-led to an vnchristian & vndutifull desperatenes, it forewarnes, and aduises, to a due and iust consideration of such proceedings. For, as when men were content to heare *heresies*, *Leo* said wisely, in reprehension of that easinesse, *They which can hearken to such things, can beleeue them*, So since it is too late to forbid hearing of this *heresie*, of deposing Princes, since out of *Iesuites* bookes, which speak of state-learning, scarce any thing is to be sucked, but it, or such preparatiues, as worke and conduce to it, it was necessary to begin a step higher then *Leo* did, and pronounce it *hereticall*, that so none might beleeue it, since hee that can beleeue it, can be content to affoord his helpe to the doing thereof.

Epist. 39. Turibio. in fine.

67 And

67 And hauing thus gone as far as I purposed in both parts of this Chapter, in the first whereof I shewed, that in speciall cases *new oathes* were necessary, and that the forme of them ought to bee such, as might reach home to the *intent* thereof, and not be eluded, which had beene, if any part of this oath had been omitted, and that their writers, which neuer teach, that vpon a Bishops excommunication a Prince may be deposed, denie implicitely this power in the Pope, because onely that power which was in the Bishops, in this matter, is transferd by Reseruation into the Pope, and that where such Depositions are needefull, the state is prouided naturally with a temporall power to effect it, and therefore it is not necessarie to place it in the spirituall, which were monstrous and vnperfect, if it should produce, as the most excelent issue therof, a power so base in their estimation, And that this possibility of being Deposed, is as contrary to *Souerainety*, as a certaine limitation, when he shall be remoued, And that those writers, which limit the Popes power by *Naturall Reason*, and which teach, that in doubts of speculation, we may for all that proceede to practise, as farre, as wee doe in this Oath, And hauing in the second part declared, That though the *Papists* make proper, and absolute *Heresie*, to be without matter of faith, yet we doe not so, and yet in points necessarily and immediately

issuing out of these principles, a generall Councell needs not be attended to informe a mans vnderstanding what is *Hereticall*, because the *Emperors* and other Princes, and diuers *Authors*, and registers of *heresies*, haue pronounced therin before any Decision of Councells, and that the Canon which is obtruded, in the name of the *Laterane Councell*, for diuers reasons, cannot impeach this proposition, *That this Doctrine is hereticall*, which proposition, though if it were tryed by *Bellarmine*, and by Saint *Augustines* description of heresie, it would appeare absolutely *hereticall*, yet this law giues it that name in a vulgar and common sense, as *Scriptures, Councels, Buls of Popes, Fathers, Schoolemen, Historians, Iesuits*, and the *Common* sort hath vsed and accepted it, and that if it be taken in the sharpest sense, the Oath may neuertheless be taken without preiudice, or limitation of any power which the Pope himselfe claimes, I make account that I haue discharged my promise and vndertaking in this Chapter, and deliuered as much, as without inculcating that which hath beene formerly said by others, (which I purposely auoided) in this point of the oath neede to be said to any, of indifferency or equall inclination.

FINIS.